

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

FORMA AI INC., )  
Plaintiff, )  
v. )  
TWIC, INC., )  
Defendant )  
Case No.: 4:23-CV-00077-BO

**DECLARATION OF JASON FAN**

I, Jason Fan, declare that the following is true and based upon my first-hand knowledge unless otherwise indicated:

1. I am a resident of California, am above the age of eighteen years, and am not subject to any legal disabilities. I make the following statements on my personal knowledge.
2. I am the CEO and founder of Twic, Inc. Twic is the defendant in this lawsuit.
3. My co-founder and I started Twic in 2017. At the time, we used the acronym TWIC for The Wellness Intelligence Company.
4. Twic offers a software platform that helps companies provide employee benefits. Employee benefits programs are programs offered by companies to their employees to improve employee retention, engagement, and productivity. Examples of employee benefits offerings include health and wellness benefits (such as health insurance, prescription drug coverage, and employee assistance and wellness programs); retirement benefits (such as 401(k) or pension plans and financial planning services); time-off benefits (such as vacation leave, sick leave, and family leave); and work-life balance benefits (such as hybrid and flexible working schedules and childcare support).

5. Twic's software provides companies the ability to set up scalable programs that can be customized to fit their particular needs. How our software typically works to allow a company to provide benefits is that a company's benefits manager will receive a yearly budget for employee benefits from the finance team. The benefits manager will then design a benefits program for the employees of the company. Using our system, the company sets the amount of money each employee receives under the plan and determines the scope of categories where the employees could spend that money as part of the service.

6. Twic's software platform also provides functionality for an employee to access and use their benefits. An employee can pay for an eligible program out-of-pocket and then file a claim for reimbursement through our software. An employee can also use a preprogrammed Visa debit card that may be used to purchase eligible products or services. Finally, an employee can use their benefit funds to purchase products and services from vendors through the marketplace in our software.

7. Depending on the benefits products the company is offering with Twic, the company, the employee, or both may be able to contribute to the benefits fund. For example, a company may choose to offer a pre-tax Flexible Spending Account (FSA) program or Health Savings Account (HSA) program. These programs allow the company and the employee to fund an account that can be used to pay for certain types of health services. A company may also choose to offer a Lifestyle Spending Account (LSA), which only the company funds. An LSA is an account funded by an employer that an employee can use to support their lifestyle within the parameters of the program designated by the employer. Similarly, a company may offer a Health Reimbursement Account (HRA), which is funded by the company. HRAs may be used by the

employee to pay for medical expenses that are not covered by the company's traditional health insurance plan.

8. Twic's products and services are employee benefits products and services. Twic does not sell products or services outside the employee benefits space. For example, Twic does not sell sales compensation products or services.

9. When we launched Twic in 2017, Twic offered LSAs. An employee could use their LSA through using the reimbursement program and purchasing directly from the marketplace. In 2020, Twic added the debit card functionality to the program. In 2021, Twic added IRS-regulated programs, to include FSAs and HSAs.

10. Twic's market for its services is the employee benefits components of the Human Resources (HR) space. We understand the HR industry to have three primary components. The first is "core compensation," which would include salary and equity. That team's job is to make sure that there is equitability across employees' main compensation, salary, and equity. The second is the operations team. An HR operations team is typically focused on the operational side of the HR function, which would include running payroll, maintaining a core HR information system, HR training, onboarding new employees, and other things of that nature. The third component is the total rewards team. This team deals with everything in benefits. It is my experience that the people who work in the HR industry have a clear understanding that these are three different areas in the HR profession.

11. When we talk to a company that is interested in using our services, we communicate with the HR professionals in that company who are in charge of benefits. Examples of job titles of the people who we interact with are Director of Benefits, Benefits Manager, and Benefits Analyst.

12. Twic has two general sizes of business customers who purchase its services. Today, we consider the “commercial group” as a smaller company with anywhere from 200 through 4,000 employees. An “enterprise customer” is a larger company with more than 4,000 employees. In the past, we have had these categories with 2,500 employees being the demarcation between a “commercial group” and an “enterprise customer.” Examples of Twic’s customers include Etsy, Lululemon, Zoom, Dropbox, and Microsoft. These companies have thousands or tens of thousands of employees.

13. There are two types of sales channels that Twic utilizes. Most of Twic’s sales come through referrals from employee benefits brokers. Depending on the year, 70-90 percent of Twic’s customers come through employee benefits brokers.

14. Employee benefits brokers work with a company’s benefits professionals to help them procure employee benefits products and services, and provide those products and services to the company’s employees. Employee benefits brokers help a company obtain medical plans, dental plans, vision plans, 401(k) plans, and other similar products and services. A broker will investigate the benefits options available and consult with the company about the products and services the broker recommends, the vendors the broker recommends, and how the company should invest in employee benefits to best provide for its employees.

15. Companies who use employee benefits brokers will purchase our services through their broker. Examples of brokers through whom Twic sells its FORMA products and services include WTW (formerly known as Willis Tower Watson), Aon, Mercer, Sequoia Benefits, MMA, and Hub International.

16. A small number of companies may contact Twic on their own. This occurs when one of our current customers recommends us to another company, who reaches out to us directly.

It also occurs when a benefits professional from one of our customers moves to a new company and then encourages that company to use our products and services. A small number of direct contacts occur through Twic's website and at conferences.

17. Under either of the ways we meet customers, our first step is to have our sales team set up an initial meeting with the customer to focus on the customer's needs. This meeting investigates what the customer is currently doing. What are they currently offering? What are the challenges they are facing? What is the cost to run their current program? What is the employee experience? What is the budget level? We work to get a complete picture on what the customer is currently doing for its benefits program. We then have a second meeting where Twic provides a demonstration of its product and a custom slide deck addressing the customer's issues that were identified in the first meeting. Typically, we do more than one of these meetings with a customer so they can better understand what it means to be a Twic customer. After the customer tells us they want to move forward, we present a proposal that includes elements like the baseline employee count, the per-employee-per-month price, and the terms. The customer may negotiate with us on these terms. Once we reach an agreement, we send over the order form, and the customer would review it with their legal team before executing it. This process typically takes about four months for a customer in the "commercial group" and six to nine months for an "enterprise customer."

18. After the customer purchases our services, we then move on to implementing the program. This process typically takes about eight weeks. The first two weeks involve us working with the company to gather the requirements they have for their benefits program. For example, what sort of account structure does the company want? Where are their employees located? How do the company's payroll professionals interact with benefits companies? Once

the requirements are developed, Twic talks with the customer to finalize the benefits policy, determine the eligible portions of the benefits policy, confirm integration, and confirm marketplace store, debit cards, and claims settings. This typically happens during weeks 2 through 4. Weeks 4 through 6 are for Twic's team to build and customize the platform for the company and its employees to use to access and manage benefits. Twic also provides training for the customer's benefits team and administrators to show them how to use the platform. During weeks 6 through 8 (or longer if desired), Twic and the company roll out the new benefits to the company's employees. Twic hosts demonstration webinars and provides the company with communications materials for employees.

19. Our original logo is shown below. My co-founder and I did not have any design experience, but I was able to create our first logo.



20. Because Twic's offerings expanded to cover additional lifestyle benefits, two of Twic's investors recommended that Twic should develop a new name for our company that was not limited to "wellness." We were referred to Landscape, a design firm, to handle the rebranding process.

21. Landscape provided us with recommendations on rebranding the entire brand. This included the name, the logo, the way that we present the color palette that we use, how we articulate our cultural values, and what we represent in the marketplace.

22. Landscape used a process that took several months. As part of the process, Landscape analyzed our current brand and company, and considered how our competitors positioned themselves in the marketplace. The companies Landscape identified as our

competitors were Level; ThrivePass; Joon; Fringe; WageWorks/Health Equity; Payflex; and Navia.

23. After Landscape conducted the discovery process, Twic worked with Landscape to develop a new name. Landscape assigned a team of six designers and branding professionals to investigate the marketplace and provide Twic with four rounds of name options. As we worked with Landscape, we began to reimagine our brand and company vision. We worked with Landscape to address questions like "how do we bring a very consumerized approach to the entire benefits industry?" We want to communicate that we provide a consumer centric way of running and offering benefits programs that addressed not just their health, but also their ability to care for employee family members and help employees build wealth.

24. We explained to Landscape we wanted a name that was warm. We wanted companies and their employees to have a warm feeling when they interacted with our brand. This feeling was the most important consideration for me when it came to a new name.

25. Landscape presented names to us in four "rounds." Each "round" was a new set of potential names. The names presented by Landscape for our possible selection were: Aera; Allaround; Allkind; Altogether/Altogether; Balance; Bloom; Ditto; Domino; Each & Every; Elastic; Everykind; Feather; Field; Fig; Forma; Freely; Gem; Golden; Hiyu; Honey; Lasso; Lotta; Marble; Mosaic; Narrative; Olive; Parade; Plenty; Pollen; Recess; Relish; Ruby; Sundae; Sunday; Tend; Toda; Tune; Vaast; and Very.

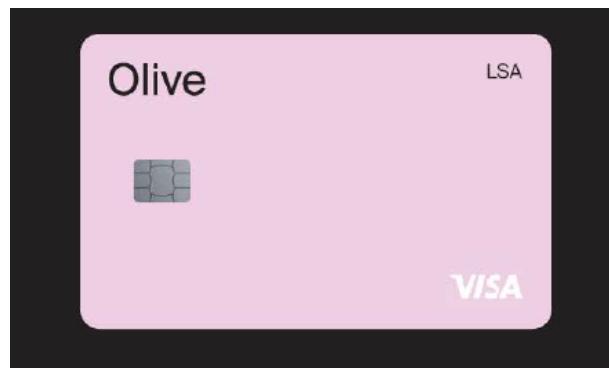
26. We worked with Landscape in investigating and considering the name candidates over several months. The leadership at Twic voted at various times about which names we wanted to further consider. My favorite candidate was OLIVE, but other members of leadership disagreed.

27. With each candidate, Landscape gave us examples of what it would look like if we used that name. Below are true and accurate copies of the examples Landscape gave us for OLIVE:

a. Language Examples:

- i. "Meet Olive, the life benefits platform for today's workforce."
- ii. "Twic is now Olive."
- iii. "Hi, I'm Jason from Olive. We offer benefits that flex to fit everyone."
- iv. "Our HR teams use Olive and love it."

b. Debit Card Example:



c. Web Use Examples:

A screenshot of a Fast Company article. The headline is "Olive signals a new era for a global, diverse, and creative workforce." Below the headline is a thumbnail image of a laptop screen displaying a user interface with various icons and text. The Fast Company logo is at the top, and there are social media sharing options at the bottom.

A screenshot of the Olive company website. The main tagline is "Benefits that flex to fit everyone's life." Below the tagline is a "Get Started" button. The background is a gradient of blue and orange. At the top, there is a navigation bar with links for "Olive", "Why Newname", "Life Benefits", "Resources", "About Us", and "Sign In". At the bottom, there is a small text box with the text "Meet the Life Benefits Platform designed to offer benefits that flex to the demands of today's workforce.".

28. The name FORMA was presented during the third round of Landscape.

Landscape explained that “forma” meant form, shape, and appearance and FORMA “signals dynamic evolution,” “evokes a sense of stability,” and is seen as “solid and trustworthy.”

29. Below are true and accurate copies of the examples Landscape gave us for FORMA:

a. Language Examples:

- i. “Meet Forma, the life benefits platform for today’s workforce.”
- ii. “Twic is now Forma.”
- iii. “Hi, I’m Jason from Forma. We offer benefits that flex to fit everyone.”
- iv. “Our HR teams use Forma and love it.”

b. Debit Card Example:



c. Web Use Examples:

Fast Company

10-13-21 | 3:30 AM

Forma signals a new era for a global, diverse, and creative workforce.

BY RANDI BUCKER 4 MINUTE READ

Almost 15 years ago, I started my professional working life as an entrepreneur, cofounding a process automation company. At that time, I read whatever material I could find about entrepreneurship.

Forma

Why Newname ▾ Life Benefits Resources About Us ▾ Sign In ▾

Benefits that flex to fit everyone's life

Get Started

Meet the Life Benefits Platform designed to offer benefits that flex to the demands of today's workforce.

30. Eventually, we decided to rebrand to FORMA. In addition to developing the FORMA name, Landscape also created a several options for a new logo for us. We selected our preferred logo from this selection. The logo Landscape developed and we selected is shown below:



We began using FORMA name and logo in our public facing materials around March 7 and 8, 2022.

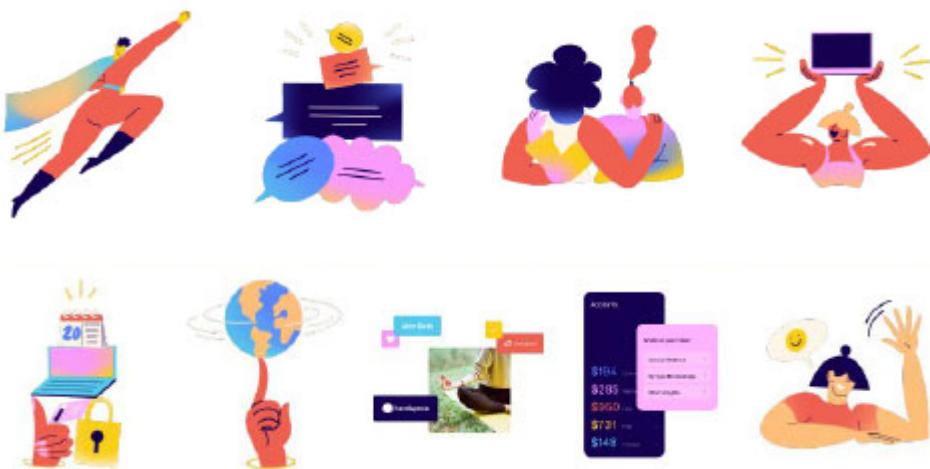
31. We paid Landscape approximately \$350,000 for their work rebranding our company.

32. We also worked with a trademark lawyer as part of our rebrand. Our lawyer became involved when we had our five finalist name candidates and helped us consider those candidates. Once we selected FORMA, our lawyer filed a trademark application for our FORMA logo on February 15, 2022. A true and accurate copy of the information about our FORMA logo application at the Trademark Office is attached to my declaration at Exhibit A.

33. In addition to the work we did with Landscape, we also worked with a graphic designer who crafted the color palette and the visual identity for the brand and a website builder who created the website. These professionals had relationships with Landscape and worked with Landscape to develop these portions of our brand. As a result of the work between Landscape, the designer, and the website builder, it was recommended that we use the color palette shown below:



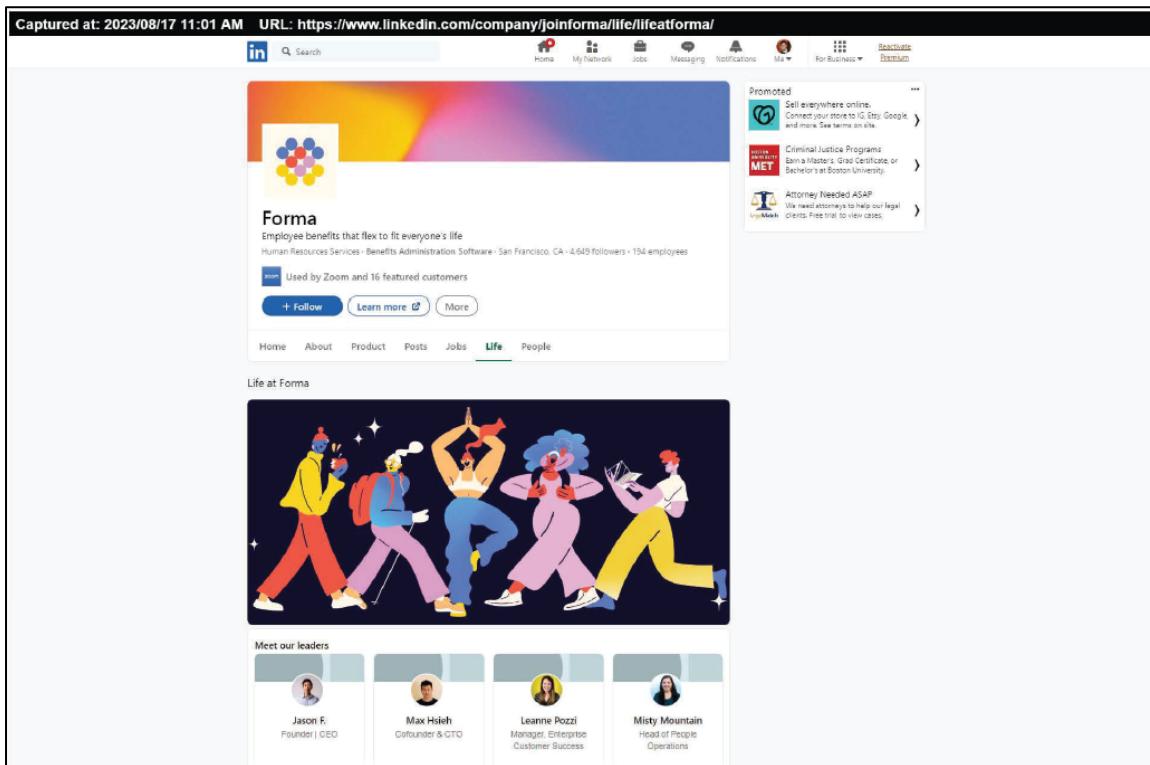
We were also provided with illustrations to use in our branding. Examples of these illustrations are shown below:



We use the color palette and the illustrations on our FORMA branded materials. This includes on the website, in online advertising, and on our trade show booth. For example, we use the same color scheme, characters, and text appearance on all these materials. Our materials are designed so each echoes the appearance of the others. Attached at Exhibit B is a true and accurate copy of a slide show presentation on the brand appearance.

34. Our online advertisements incorporate our brand image. Examples of our online advertisements that use our brand image are shown below:

Captured at: 2023/08/17 11:01 AM URL: <https://www.linkedin.com/company/joinforma/life/lifeatforma/>



The LinkedIn company page for Forma features a vibrant, abstract header image. On the right side, there is a 'Promoted' section with three ads: 'Sell everywhere online', 'Criminal Justice Programs', and 'Attorney Needed ASAP'. Below the header, the company's logo is displayed, followed by a brief description: 'Employee benefits that flex to fit everyone's life. Human Resources Services - Benefits Administration Software - San Francisco, CA - 4,649 followers - 154 employees'. The page shows that Forma is 'Used by Zoom and 16 featured customers'. Navigation links include '+ Follow', 'Learn more', and 'More'. The main content area is titled 'Life at Forma' and features a colorful illustration of five diverse employees in various active poses. Below the illustration, a section titled 'Meet our leaders' lists four team members: Jason F. (Founder / CEO), Max Hsieh (Co-founder & GTO), Leanne Pozzi (Manager, Enterprise Customer Success), and Misty Mountain (Head of People Operations).

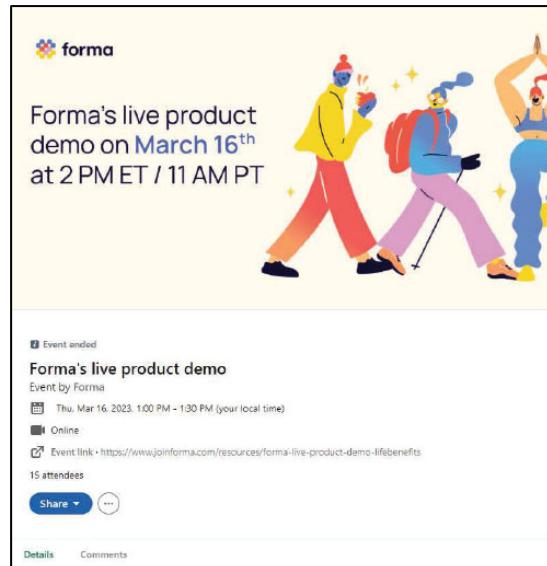
**Forma @forma\_hq - May 2**  
Did you get a chance to see our webinar with @Aon earlier this month? No?! That's ok. It's linked right here, un gated! In this panel discussion, Aon and Forma discuss the true value of a flexible benefits program.  
Check it out: [hubs.ly/Q01N17-n0](https://hubs.ly/Q01N17-n0)



The LinkedIn post for Forma (@forma\_hq) on May 2nd promotes a webinar. It features the Forma and Aon logos at the top. The main text reads: 'Did you get a chance to see our webinar with @Aon earlier this month? No?! That's ok. It's linked right here, un gated! In this panel discussion, Aon and Forma discuss the true value of a flexible benefits program.' Below this, it says 'Check it out: [hubs.ly/Q01N17-n0](https://hubs.ly/Q01N17-n0)'. The post has a dark background with the Forma and Aon logos at the top. At the bottom, there are icons for sharing and a comment count of 57.

**Forma**

Forma's live product demo on **March 16<sup>th</sup>** at 2 PM ET / 11 AM PT



The LinkedIn post for Forma (@forma\_hq) on March 16th at 2 PM ET / 11 AM PT promotes a live product demo. It features the Forma logo at the top. The main text reads: 'Forma's live product demo on **March 16<sup>th</sup>** at 2 PM ET / 11 AM PT'. Below this, it says 'Event ended' and 'Forma's live product demo'. It provides details: 'Event by Forma', 'Thu, Mar 16, 2023, 1:00 PM - 1:30 PM (your local time)', 'Online', and a link to the event: 'Event link • <https://www.joinforma.com/resources/forma-live-product-demo-lifebenefits>'. The post has a light background with the Forma logo at the top. At the bottom, there are icons for sharing and a comment count of 15 attendees.

BENEFITPITCH

Customizable spending accounts that flex to fit everyone

forma

Forma (ACTIVE)

Company Profile Products Reviews Small Messages

Helping you to deliver the ultimate benefits experience

Barbara Corcoran Talks the Total Economic Impact of Paycom

Aug 15 at 3pm ET

Register - It's Free

Add Product

HR.com

Maximizing Human Potential

WEBCAST

Barbara Corcoran Talks the Total Economic Impact of Paycom

Aug 15 at 3pm ET

Register - It's Free

HR.com

paycom

How to Scale Employee Benefits Utilization Through Modern Benefit Technology

September 7, 2022 at 1:00 - 2:00 PM ET

Your credit link will be activated in

44:50

Redeem Your Credits

How to Gain a Webcast Credit

- You must view the entire archive video and click Redeem Your Credits button to earn your HRCI & SHRM or WorldatWork credit.
- Review all of your Credits on your Certifications Credit page.
- You can earn unlimited credits through our Recertification Program
- "Demo" webcasts do not grant HRCI or SHRM Credits

forma

Webinar: How to scale employee benefits utilization through modern benefit technology

September 7, 2022 at 1:00 PM ET | 10 AM PT

0:04 / 1:00:44

BenefitsAlly INSIGHT

HOME WHAT WE DO MOST WATCHED VIDEOS TAKE THE 3X3X3 CHALLENGE VIRTUAL INNOVATION BLITZ TESTIMONIALS

UNDER 50 EES 51-100 EES 101-250 EES 251-500 EES 501-1000 EES 1001-2500 EES 2501-5000 EES OVER 5000 EES

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**Types of Wallets**

**Extreme Customization and Flexibility**

Family	Wellness	Financial	Learning
Adoption, Surrogacy, Child care Elder care, Pet care, Baby accessories, Bonding experiences	Gym memberships, Health apps, Wearables, Nutrition, Peloton	House down payment, Coaching, Tax preparation, Financial advising	Continuing education, Conferences, Student loan repayment, Tuition reimbursement
Pre-Tax	Food	Vaccines	Sports & Activities
FSA, LFPSA, DCSPA, HSA, Commuter, HRA, Cobra,	Meal delivery, Groceries, Staying connected, Lunch money	Covid-19, Flu	Marathons, Sporting events, Concerts, Bike races

Comparably

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For Employee

**Forma** 

Forma is the life benefits platform that makes it easy to design and scale flexible benefits programs— whether you... [read more](#)

114 EMPLOYEE PARTICIPANTS 1728 TOTAL RATINGS

Overview Culture Leadership **Reviews 350+** Salaries Jobs Interviews Q&A ...

Home > Companies > Forma > Leadership > Executive Team > Jason Fan

HR or Marketing? [Claim Your Free Employee Profile](#)

Captured at: 2023/08/17 01:35 PM URL: [https://play.google.com/store/apps/details?id=com.joinforma.app&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=com.joinforma.app&hl=en_US&gl=US)

Google Play Games Apps Movies & TV Books Kids

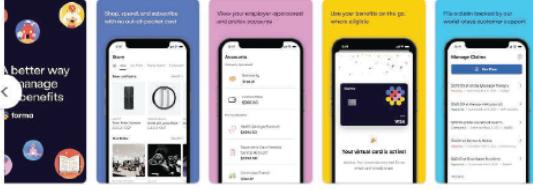
**Forma: Flexible Benefit Suite**

Forma Inc

4.8 ★ 114 reviews 10K+ Downloads Everyone

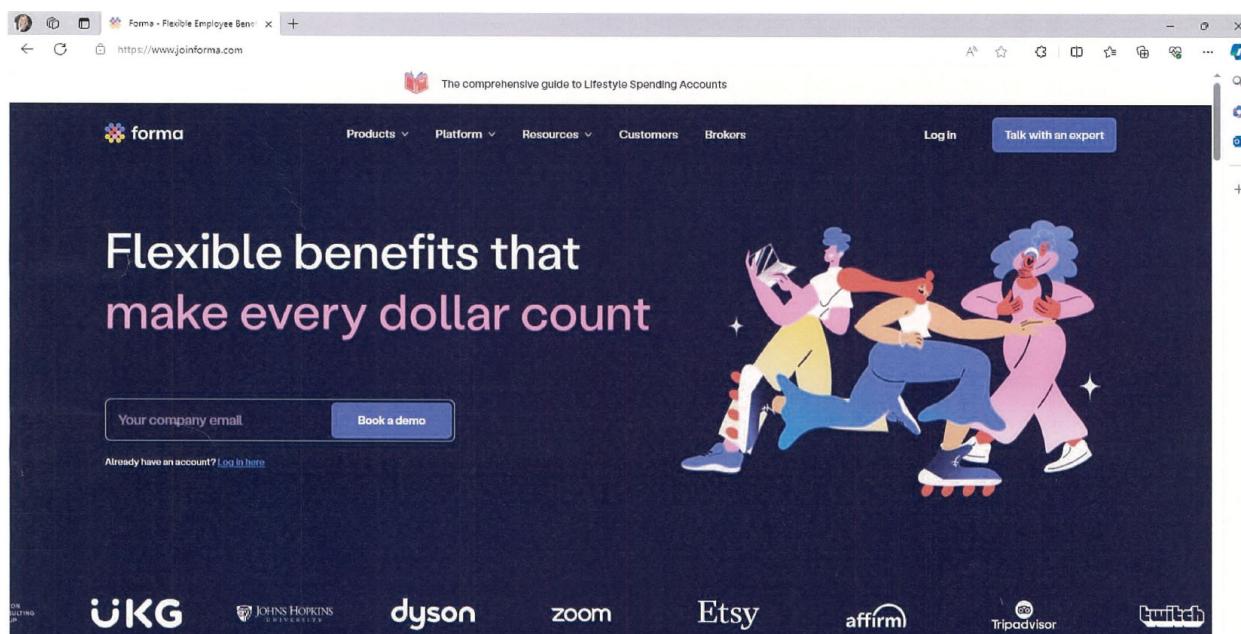
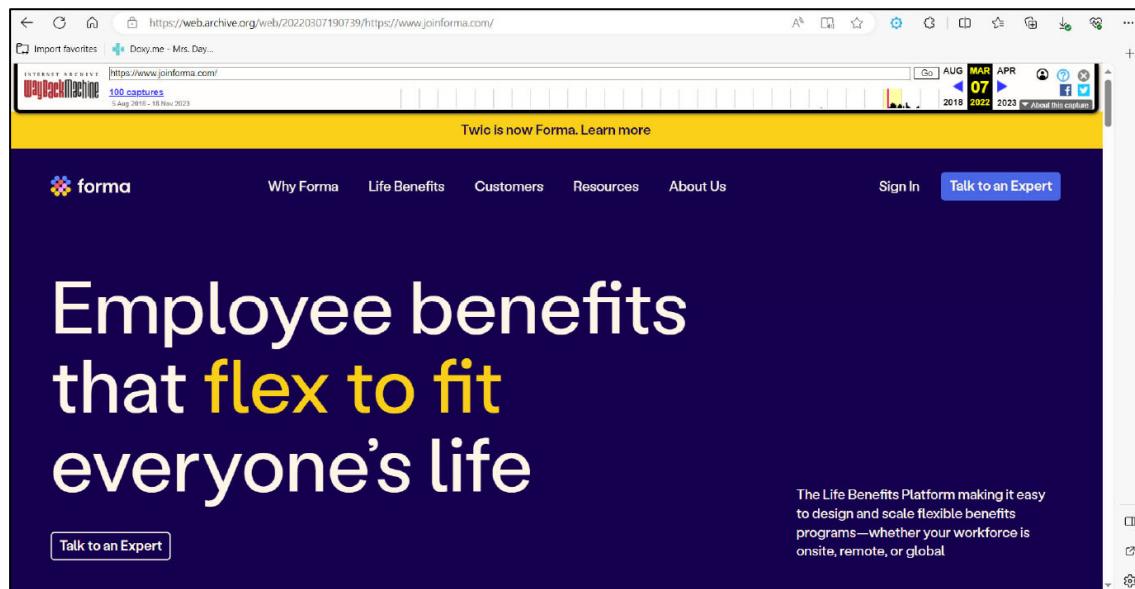
Install Share Add to wishlist

This app is not available for your device



App support

35. Our website pages incorporate our brand image. Examples of pages from our website that use our brand image are shown below:



Captured at: 2023/08/17 11:35 AM URL: <https://www.joinforma.com/products/pre-tax>

Discover the ROI of flexible benefits

forma Products Platform Resources Customers Brokers Log In Talk with an expert

## Pre-tax Accounts

Modernize HSA, FSA, and commuter benefits with the support you deserve.

Your company email Book a demo

Already have an account? [Log in here](#)



### Bring your spending accounts into the 2020s



#### Simpler Administration

Less will be required of your team. And with a modern UI, employees can access all of their flexible benefits with little to no training.



#### Dedicated Support

Forma's support is world-class and we're always here to help. That's why we see a 98% member CSAT scores and 75 client NPS.

Captured at: 2023/08/17 11:16 AM URL: <https://www.joinforma.com/products/lifestyle-spending-account>

Discover the ROI of flexible benefits

forma Products Platform Resources Customers Brokers Log In Talk with an expert

# Lifestyle Spending Accounts (LSAs)

Stretch your benefits budget, give the benefits team a break, and help employees pursue their purpose.

Your company email [Book a demo](#)

Already have an account? [Log in here](#)



## Be the hero with Lifestyle Spending Accounts

LSAs are ultra-customizable spending accounts. Employers set the eligibility rules. Employees choose how to spend. It's the best way to support employees where they are and make every dollar count.



**Grow benefits without growing budget.**

With more flexibility and choice, LSAs will increase perceived value. In fact, AON research shows \$1 invested in flexible benefits is worth \$150 to employees.



**Differentiate your company. Live your values.**

Walk-the-walk by supporting employees' growth with activities that align to the employer brand.

36. Our digital brochures and onboarding materials incorporate our brand image.

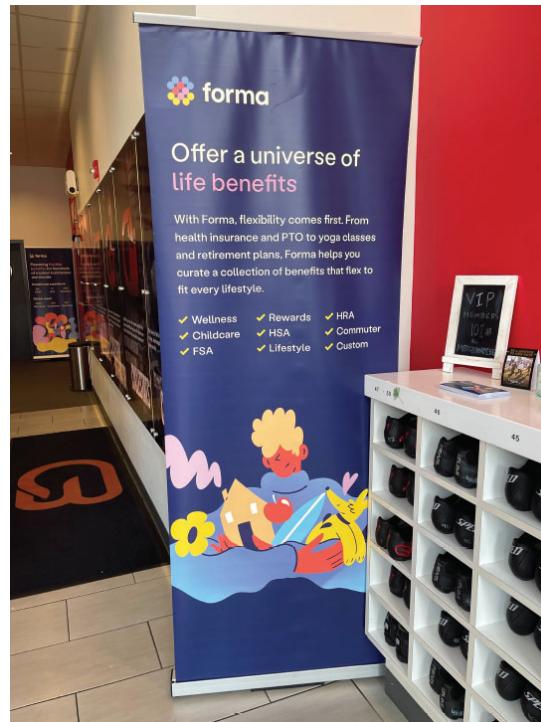
Attached at Exhibits C and D are true and accurate copies of some of our digital brochures with our brand image.

37. Our trade show booths incorporate our brand image. For example, photographs of our trade show booths from SHRM Annual Conference & Expo in June 2022 are shown below.





This trade show was attended by approximately 12,000 people. At trade shows, we sometimes hold special events for our customers. The image below is from an activity we hosted for our customers at CycleBar during this conference.



38. We paid the graphic designer approximately \$75,000 for the design work, and the website builder about \$100,000 for creating our website.

39. At the time we were changing our brand, we used a public relations company, BOCA Communications. We paid BOCA Communications about \$200,000 a year. Most of the work BOCA did for us during the year we rebranded was to promote the rebrand.

40. I was not aware Forma AI, Inc. existed or that they used the name FORMA.AI before their attorneys sent Twic a letter.

41. From March 2022 through June 2023, Twic received approximately 134,734 emails. This includes emails sent to our support email address ([support@joinforma.com](mailto:support@joinforma.com)) and our informational email address ([info@joinforma.com](mailto:info@joinforma.com)). The address [info@joinforma.com](mailto:info@joinforma.com) receives webforms submitted through our website. As of June 27, 2024, Twic had received approximately 420,672 emails since March 8, 2022.

42. At the end of February 2022, Twic had 119 companies as its customers under contract. Twic's customers as of February 2022 included large enterprises such as Lululemon, Zoom, and Microsoft. Large enterprises have thousands to tens of thousands of employees. By the end of 2023, Twic had 290 companies as its customers under contract.

43. We conducted word searches of the emails we received since March 8, 2022. We did not find any emails there were intended for the plaintiff.

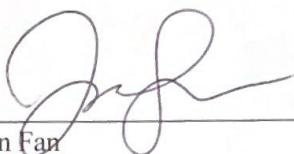
44. I asked that any instances where Twic received a communication that was meant for the plaintiff be reported to me. To date, no one has reported any communication Twic received that was intended for the plaintiff.

45. Other than the incidents the plaintiff identified to us, I am not aware of any other incidents where the plaintiff received a communication it believed was intended for us. I am not aware of any communication we have received that was intended for the plaintiff.

46. After the plaintiff identified a post in which Sammy Totah tagged the plaintiff while discussing Twic, I investigated whether Mr. Totah was confused. Mr. Totah works for BOCA, our former public relations company. I learned that Mr. Totah had intended to tag Twic and that the plaintiff was tagged because of a technical error on the LinkedIn platform.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this the 9th day of August, 2024.

  
\_\_\_\_\_  
Jason Fan

## CERTIFICATE OF SERVICE

I hereby certify that on this the 9<sup>th</sup> day of August, 2024 a true copy of the foregoing **DECLARATION OF JASON FAN** was filed with the clerk of court using the CM/ECF system, which will send notification by electronic mail of such filing to all counsel of record.

By: /s/ Emily M. Haas  
Emily M. Haas  
NC State Bar No. 39,716  
4509 Creedmoor Road, Suite 501  
Raleigh, North Carolina 27612  
Telephone: (984) 220-8750  
Facsimile: (877) 398-5240  
Email: [emhaas@michaelbest.com](mailto:emhaas@michaelbest.com)

*Attorney for Twic, Inc.*

**Generated on:** This page was generated by TSDR on 2023-08-10 12:09:12 EDT

**Mark:** FORMA



**US Serial Number:** 97268559

**Application Filing Date:** Feb. 15, 2022

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Opposition Pending

The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositions were filed but they have not yet been decided.

**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

**Status Date:** Feb. 23, 2023

**Publication Date:** Jan. 24, 2023

## Mark Information

**Mark Literal:** FORMA

**Elements:**

**Standard Character:** No

**Claim:**

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of the word "FORMA" in blue. To the left of the word is a design comprising twelve circles forming a pixel design.

**Mark:** The top four circles are blue, the next two are orange, the next two are pink, and the bottom four are yellow.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) blue, orange, pink and yellow is/are claimed as a feature of the mark.

**Design Search:** 26.01.16 - Circles touching or intersecting

**Code(s):** 26.01.21 - Circles that are totally or partially shaded.  
26.01.31 - Five or more circles; Circles - five or more

## Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

Owner Name: Twic, Inc.

Owner Address: 47000 Warm Springs Blvd, Ste 1-170  
Fremont, CALIFORNIA UNITED STATES 94539

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: MICHELLE E. KOUBA

Attorney Primary Email: [emhaas@michaelbest.com](mailto:emhaas@michaelbest.com)  
Email Address:

Attorney Email Yes  
Authorized:

### Correspondent

Correspondent MICHELLE E. KOUBA

Name/Address: MICHAEL BEST & FRIEDRICH LLP  
444 W LAKE ST STE 3200  
CHICAGO, ILLINOIS UNITED STATES 60606

Phone: 312-596-5826

Correspondent e-mail: [emhaas@michaelbest.com](mailto:emhaas@michaelbest.com) [mekouba@michaelbe\\_st.com](mailto:mekouba@michaelbe_st.com)

Correspondent e-mail Yes  
Authorized:

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 23, 2023	OPPOSITION INSTITUTED NO. 999999	283616
Feb. 23, 2023	OPPOSITION PAPERS RECEIVED AT TTAB	
Jan. 24, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 24, 2023	PUBLISHED FOR OPPOSITION	
Jan. 04, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 21, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 20, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 19, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 19, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 01, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Dec. 01, 2022	NON-FINAL ACTION E-MAILED	
Dec. 01, 2022	NON-FINAL ACTION WRITTEN	76596
Nov. 29, 2022	ASSIGNED TO EXAMINER	76596
Feb. 23, 2022	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 22, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Feb. 18, 2022	NEW APPLICATION ENTERED	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: SOUDERS, MICHAEL J

Law Office: LAW OFFICE 115  
Assigned:

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 22, 2022

## Assignment Abstract Of Title Information

## Summary

Total Assignments: 1

Applicant: Twic, Inc.

## Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [7900/0477](#)

Pages: 11

Date Recorded: Nov. 22, 2022

Supporting Documents: [assignment-tm-7900-0477.pdf](#)

### Assignor

Name: [TWIC INC.](#)

Execution Date: Nov. 21, 2022

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

### Assignee

Name: [JPMORGAN CHASE BANK, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country: UNITED STATES  
Where Organized:

Address: 4 NEW YORK PLAZA, 17TH FLOOR  
NEW YORK, NEW YORK 10004

### Correspondent

Correspondent: JAY DASILVA  
Name:

Correspondent: 1025 CONNECTICUT AVE., NW, STE. 712  
Address: COGENCY GLOBAL INC.  
WASHINGTON, DC 20036

### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 1

### Type of Proceeding: Opposition

Proceeding Number: [91283616](#)

Filing Date: Feb 23, 2023

Status: Pending

Status Date: Feb 23, 2023

Interlocutory Attorney: MARY CATHERINE FAINT  
Name:

### Defendant

Name: Twic, Inc.

Correspondent: MICHELLE E. KOUBA  
Address: MICHAEL BEST & FRIEDRICH LLP  
444 W LAKE ST STE 3200  
CHICAGO IL UNITED STATES, 60606

Correspondent e-mail: [emhaas@michaelbest.com](mailto:emhaas@michaelbest.com), [mekouba@michaelbest.com](mailto:mekouba@michaelbest.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

FORMA

[97268559](#)

### Plaintiff(s)

Name: FORMA AI INC.

Correspondent: ANGELA P. DOUGHTY  
Address: WARD AND SMITH, P.A.  
POST OFFICE BOX 33009, 751 CORPORATE CENTER DRIVE, SUITE 300  
RALEIGH NC UNITED STATES, 27636-3009

Correspondent e-mail: [trademarks@wardandsmith.com](mailto:trademarks@wardandsmith.com), [apd@wardandsmith.com](mailto:apd@wardandsmith.com), [ebrogers@wardandsmith.com](mailto:ebrogers@wardandsmith.com)

mail: \_\_\_\_\_

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FORMA.AI		<a href="#">97342791</a>	
FORMA.AI		<a href="#">97765724</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
9	P MOT TO SUSP PEND DISP CIV ACTION	May 11, 2023	
8	P MOT FOR EXT W/O CONSENT	May 04, 2023	
7	D APPEARANCE / POWER OF ATTORNEY	Apr 03, 2023	
6	ANSWER	Apr 03, 2023	
5	D APPEARANCE / POWER OF ATTORNEY	Apr 03, 2023	
4	P CHANGE OF CORRESP ADDRESS	Feb 23, 2023	
3	INSTITUTED	Feb 23, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE: FILED AND FEE	Feb 23, 2023	Apr 04, 2023
1		Feb 23, 2023	

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, January 24, 2023 00:57 AM  
**To:** awilcox@wilcoxi.com  
**Cc:** mcadrot@wilcoxi.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 97268559: FORMA (Stylized/Design)

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## TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

**U.S. Serial Number:** 97268559  
**Mark:** FORMA (Stylized/Design)  
**International Class(es):** 042  
**Owner:** Twic, Inc.  
**Docket/Reference Number:**

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jan 24, 2023.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2023-01-24&serialNumber=97268559>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. For corrections or amendments after publication, please use the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [https://tsdr.uspto.gov/#caseNumber=97268559&caseType=SERIAL\\_NO&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=97268559&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [https://tsdr.uspto.gov/#caseNumber=97268559&caseType=SERIAL\\_NO&searchType=documentSearch](https://tsdr.uspto.gov/#caseNumber=97268559&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



## UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Commissioner for Trademarks  
[www.uspto.gov](http://www.uspto.gov)

### OFFICIAL USPTO NOTICE OF PUBLICATION UNDER 12(a)

U.S. Application Serial No. 97268559

Mark: FORMA

International Class(es): 042

Owner: Twic, Inc.

Docket/Reference No.

Issue Date: January 4, 2023

Your mark is scheduled to publish in the *Trademark Official Gazette (TMOG)* on January 24, 2023.

Your mark appears to be entitled to register on the Principal Register upon the acceptance of a statement of use, subject to any claims of concurrent use.

**What happens when your mark publishes.** Within 30 days of the publication date, any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time) with the Trademark Trial and Appeal Board. If no objection is filed, we will issue a Notice of allowance.

View your mark in the TMOG after the publication date at <https://tmog.uspto.gov/> by selecting your publication date in the "issues" field, entering your serial number in the "search by" field, and clicking on the magnifying glass.

**Ensure that the information in the TMOG is correct.** If any information is incorrect, promptly request correction using the "Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment" form at <https://teas.uspto.gov/office/ppa/>. For more information, see <https://www.uspto.gov/trademark/trademark-updates-and-announcements/procedures-submitting-amendments-corrections-trademark>.

Direct questions about this notice to the Trademark Assistance Center (TAC) at 1-800-786-9199 (select option 1) or [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov).

---

Email Address(es):

awilcox@wilcoxip.com  
mcadrot@wilcoxip.com

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, January 4, 2023 04:06 AM  
**To:** awilcox@wilcoxi.com  
**Cc:** mcadrot@wilcoxi.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 97268559: FORMA (Stylized/Design)

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 97268559) is scheduled to publish in the *Official Gazette* on Jan 24, 2023. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=97268559>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, accessible at <https://teas.uspto.gov/ccb/cca>.

Do NOT hit "Reply" to this e-mail notification. If you find an error in the Notice of Publication, update the information using the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>.

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	97268559	FILING DATE	02/15/2022
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	Souders, Michael J	L.O. ASSIGNED	115

**PUB INFORMATION**

RUN DATE	12/22/2022
PUB DATE	N/A
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE
STATUS DATE	12/22/2022
LITERAL MARK ELEMENT	FORMA

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	FORMA
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Twic, Inc.
ADDRESS	47000 Warm Springs Blvd, Ste 1-170 Fremont, CA 94539
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) blue, orange, pink, yellow is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "FORMA" in blue. To the left of the word is a design comprising twelve circles forming a pixel design. The top four circles are blue, the next two are orange, the next two are pink, and the bottom four are yellow.

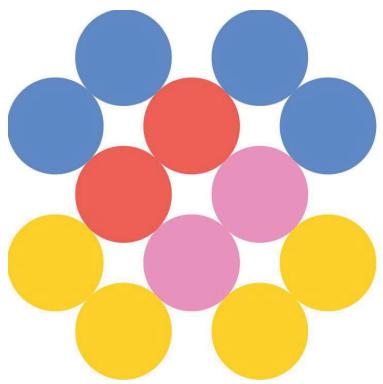
### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/21/2022	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	011
12/20/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
12/19/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
12/19/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
12/01/2022	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
12/01/2022	GNRT	F	NON-FINAL ACTION E-MAILED	006
12/01/2022	CNRT	R	NON-FINAL ACTION WRITTEN	005
11/29/2022	DOCK	D	ASSIGNED TO EXAMINER	004
02/23/2022	MDSC	E	NOTICE OF DESIGN SEARCH CODE E-MAILED	003
02/22/2022	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/18/2022	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Angela C. Wilcox
CORRESPONDENCE ADDRESS	Angela C. Wilcox WILCOX IP, PC 20 NORTH WACKER DRIVE, SUITE 1000 CHICAGO IL 60606
DOMESTIC REPRESENTATIVE	NONE





**forma**

## Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

### OVERVIEW

SERIAL NUMBER	97268559	FILING DATE	02/15/2022
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	Souders, Michael J	L.O. ASSIGNED	115

### PUB INFORMATION

RUN DATE	12/21/2022
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	12/20/2022
LITERAL MARK ELEMENT	FORMA

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

### FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

### MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	FORMA
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Twic, Inc.
ADDRESS	47000 Warm Springs Blvd, Ste 1-170 Fremont, CA 94539
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

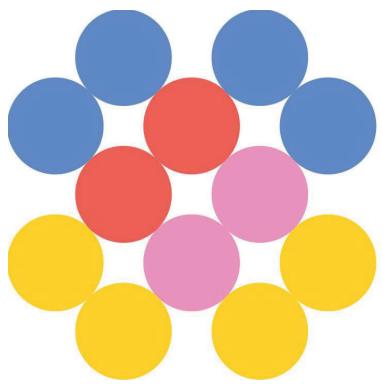
CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) blue, orange, pink, yellow is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "FORMA" in blue. To the left of the word is a design comprising twelve circles forming a pixel design. The top four circles are blue, the next two are orange, the next two are pink, and the bottom four are yellow.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/20/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
12/19/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
12/19/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
12/01/2022	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
12/01/2022	GNRT	F	NON-FINAL ACTION E-MAILED	006
12/01/2022	CNRT	R	NON-FINAL ACTION WRITTEN	005
11/29/2022	DOCK	D	ASSIGNED TO EXAMINER	004
02/23/2022	MDSC	E	NOTICE OF DESIGN SEARCH CODE E-MAILED	003
02/22/2022	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/18/2022	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Angela C. Wilcox
CORRESPONDENCE ADDRESS	Angela C. Wilcox WILCOX IP, PC 20 NORTH WACKER DRIVE, SUITE 1000 CHICAGO IL 60606
DOMESTIC REPRESENTATIVE	NONE



**forma**

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	97268559
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 115
<b>MARK SECTION</b>	
MARK FILE NAME	<a href="https://tmng-al.uspto.gov/resting2/api/img/97268559/large">https://tmng-al.uspto.gov/resting2/api/img/97268559/large</a>
LITERAL ELEMENT	FORMA
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	The color(s) blue, orange, pink, yellow is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a pixel design.
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	042
<b>DESCRIPTION</b>	
Non-downloadable technology platform for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	042
<b>TRACKED TEXT DESCRIPTION</b>	
Non-downloadable technology platform for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees; Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees	
<b>FINAL DESCRIPTION</b>	
Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees	
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
FILING BASIS	Section 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word "FORMA" in blue. To the left of the word is a design comprising twelve circles forming a pixel design. The top four circles are blue, the next two are orange, the next two are pink, and the bottom four are yellow.
<b>CORRESPONDENCE INFORMATION (current)</b>	

NAME	ANGELA C. WILCOX
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	awilcox@wilcoxit.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	mcadrot@wilcoxit.com
<b>CORRESPONDENCE INFORMATION (proposed)</b>	
NAME	Angela C. Wilcox
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	awilcox@wilcoxit.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	mcadrot@wilcoxit.com
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/Mary A. Cadrot/
SIGNATORY'S NAME	Mary A. Cadrot
SIGNATORY'S POSITION	Attorney for Applicant, IL Bar Member
SIGNATORY'S PHONE NUMBER	312-224-1542
DATE SIGNED	12/19/2022
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Mon Dec 19 14:05:45 ET 2022
TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XXX- 20221219140545004790-9726 8559-8506e177d43e6dc5a61f 2e6211c53d4139f4ce2597427 65d7b4c53ff24f05fbb-N/A-N /A-20221219140332029952

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **97268559** FORMA (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/97268559/large>) has been amended as follows:

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

#### Applicant proposes to amend the following:

##### Current:

Class 042 for Non-downloadable technology platform for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date. *For a collective trademark, collective service mark, collective membership mark, or certification mark application:* The applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control

over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** ~~Non-downloadable technology platform for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees; Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees~~

Class 042 for Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date. *For a collective trademark, collective service mark, collective membership mark, or certification mark application:* The applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Webpage URL: None Provided

Webpage Date of Access: None Provided

**ADDITIONAL STATEMENTS**

**Description of mark**

The mark consists of the word "FORMA" in blue. To the left of the word is a design comprising twelve circles forming a pixel design. The top four circles are blue, the next two are orange, the next two are pink, and the bottom four are yellow.

**Correspondence Information (current):**

ANGELA C. WILCOX

PRIMARY EMAIL FOR CORRESPONDENCE: awilcox@wilcoxit.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): mcadrot@wilcoxit.com

**Correspondence Information (proposed):**

Angela C. Wilcox

PRIMARY EMAIL FOR CORRESPONDENCE: awilcox@wilcoxit.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): mcadrot@wilcoxit.com

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

**SIGNATURE(S)**

**Response Signature**

Signature: /Mary A. Cadrot/ Date: 12/19/2022

Signatory's Name: Mary A. Cadrot

Signatory's Position: Attorney for Applicant, IL Bar Member

Signatory's Phone Number: 312-224-1542 Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: ANGELA C. WILCOX  
WILCOX IP, PC

20 NORTH WACKER DRIVE, SUITE 1000  
CHICAGO, Illinois 60606

Mailing Address: Angela C. Wilcox  
WILCOX IP, PC  
20 NORTH WACKER DRIVE, SUITE 1000  
CHICAGO, Illinois 60606

Serial Number: 97268559

Internet Transmission Date: Mon Dec 19 14:05:45 ET 2022

TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XXX-202212191405450  
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1c53d4139f4ce259742765d7b4c53ff24f05fbb-  
N/A-N/A-20221219140332029952

**To:** Angela C. Wilcox([awilcox@wilcoxip.com](mailto:awilcox@wilcoxip.com))  
**Subject:** U.S. Trademark Application Serial No. 97268559 - FORMA  
**Sent:** December 01, 2022 04:32:58 PM EST  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

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**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97268559

**Mark:** FORMA

**Correspondence Address:**

ANGELA C. WILCOX  
WILCOX IP, PC  
20 NORTH WACKER DRIVE, SUITE 1000  
CHICAGO IL 60606 UNITED STATES

**Applicant:** Twic, Inc.

**Reference/Docket No.** N/A

**Correspondence Email Address:** [awilcox@wilcoxip.com](mailto:awilcox@wilcoxip.com)

**NONFINAL OFFICE ACTION**

**The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned.** Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** December 01, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**SUMMARY OF ISSUES:**

- Identification of Services Amendment Required
- Description of Color in the Mark Required

## Search of Office Database

The trademark examining attorney searched the USPTO database of registered and pending marks and found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

### Identification of Services

The identification of services is indefinite and must be clarified because it does not identify the services with sufficient specificity. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant should note that any wording in **bold** and in *italics*, below offers guidance and/or shows the changes being proposed for the identification of goods and/or services. When making its amendments, applicant should enter them in standard font, not in **bold**, in *italics*, underlined or in ALL CAPS.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

Applicant may adopt the following identification, if accurate:

International Class 42: *Platform as a service (PAAS) featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees*

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

### Description of Color in Mark

Although applicant submitted a drawing showing the mark in color with a color claim, applicant did not provide the required description that specifies where each color appears in the literal and design elements in the mark. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §807.07(a)-(a)(ii). Therefore, applicant must provide this description. *See* TMEP §807.07(a)(ii).

Generic color names must be used to describe the colors in the mark, e.g., red, yellow, blue. TMEP

§807.07(a)(i)-(ii). If black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark, applicant must so specify in the description. *See* TMEP §807.07(d).

The following description is suggested, if accurate: “**The mark consists of the word "FORMA" in blue. To the left of the word is a design comprising twelve circles forming a pixel design. The top four circles are blue, the next two are orange, the next two are pink, and the bottom four are yellow.**”

### **Response Guidelines**

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-02, 709.04-05.

An applicant may check the status of or view documents filed in an application or registration using the [Trademark Status and Document Retrieval \(TSDR\)](#) system. Enter the application serial number or registration number and click on “Status” or “Documents.”

**How to respond.** [Click to file a response to this nonfinal Office action.](#)

/Michael Souders/  
Trademark Examining Attorney  
Law Office 115  
(571) 272-9483  
michael.souders@uspto.gov

## **RESPONSE GUIDANCE**

- **Missing the response deadline to this letter will cause the application to abandon.** The

response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or unforeseen circumstances could affect an applicant's ability to timely respond.

- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

# United States Patent and Trademark Office (USPTO)

## USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on December 01, 2022 for  
**U.S. Trademark Application Serial No. 97268559**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **Read the Office action.** This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be abandoned. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO website, the application process, the status of your application, and whether there are outstanding deadlines to the Trademark Assistance Center (TAC).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

## GENERAL GUIDANCE

- **Check the status of your application periodically** in the Trademark Status & Document Retrieval (TSDR) database to avoid missing critical deadlines.
- **Update your correspondence email address** to ensure you receive important USPTO notices about your application.
- **Beware of trademark-related scams.** Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, TSDR, to confirm that it appears under the “Documents” tab, or contact the Trademark Assistance Center.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

**Statistics for Case**  
**97268559**

#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
<b>1</b>	260116[dc]	16609	0	0	0	0:00
<b>2</b>	260121[dc]	277180	0	0	0	0:00
<b>3</b>	260131[dc]	31820	0	0	0	0:00
<b>4</b>	1 and 2 and 3	2220	0	0	0	0:00
<b>5</b>	4 and "042"[cc]	1227	0	0	0	0:00
<b>6</b>	5 and ("042" a b "200")[ic]	405	175	230	230	0:01
<b>7</b>	4 and "009"[cc]	1391	0	0	0	0:00
<b>8</b>	7 and "009"[ic]	369	192	177	177	0:00
<b>9</b>	1 and 3	3511	0	0	0	0:00
<b>10</b>	9 and "009"[cc]	2191	0	0	0	0:00
<b>11</b>	10 and "009"[ic]	567	199	289	289	0:00
<b>12</b>	11 not dead[ld]	289	0	289	289	0:00

Session started 12/01/2022 4:16 pm

Session ended 12/01/2022 4:32 pm

Total search duration 1.00

Session duration 15 minutes 19 seconds

Adjacency Level 1

Near Level 1

**Statistics for Case**  
**97268559**

#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
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<b>2</b>	1 and "042"[cc]	8117	0	0	0	0:01
<b>3</b>	2 and ("042" a b "200")[ic]	2237	0	0	0	0:01
<b>4</b>	*forma*[bi,ti] not dead[ld]	8334	0	0	0	0:01
<b>5</b>	4 and "042"[cc]	5071	0	0	0	0:00
<b>6</b>	5 and ("042" a b "200")[ic]	1611	0	0	0	0:01
<b>7</b>	"forma"[bi,ti] not dead[ld]	113	0	113	113	0:01
<b>8</b>	4 and "009"[cc]	5559	0	0	0	0:00
<b>9</b>	8 and "009"[ic]	1159	0	0	0	0:01
<b>10</b>	260116[dc]	16609	0	0	0	0:00
<b>11</b>	260121[dc]	277180	0	0	0	0:00
<b>12</b>	260131[dc]	31820	0	0	0	0:00
<b>13</b>	10 and (11 or 12)	9974	0	0	0	0:00
<b>14</b>	13 and "042"[cc]	5570	0	0	0	0:00
<b>15</b>	14 and ("042" a b "200")[ic]	1716	0	0	0	0:01
<b>16</b>	10 and 12	3511	0	0	0	0:00
<b>17</b>	16 and "042"[cc]	1942	0	0	0	0:00
<b>18</b>	17 and ("042" a b "200")[ic]	565	139	261	261	0:01

Session started 12/01/2022 2:30 pm

Session ended 12/01/2022 3:01 pm

Total search duration 9.00

Session duration 30 minutes 50 seconds

Adjacency Level 1

Near Level 1

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**From:** TMDesignCodeComments  
**Sent:** Wednesday, February 23, 2022 00:31 AM  
**To:** awilcox@wilcoxi.com  
**Cc:** mcadrot@wilcoxi.com  
**Subject:** Official USPTO Notice of Design Search Code: U.S. Trademark SN: 97268559: FORMA (Stylized/Design)

---

**Docket/Reference Number:**

---

The USPTO has assigned design search codes to your application (U.S. serial number: 97268559).

**Design search codes assigned to your application:**

26.01.16 - Circles touching or intersecting  
26.01.21 - Circles that are totally or partially shaded.  
26.01.31 - Circles - five or more  
26.01.31 - Five or more circles

If you would like to request that we add or delete a design search code, please email [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). Include your name, application serial number, a list of design search codes you would like to add or delete, and a brief justification. We will process your request within two business days. If we approve your request, the updated list of design search codes will appear in our Trademark Status and Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/>, under the "Mark Information" tab.

Design search codes are numerical codes we assign to the prominent features of your mark's design. We call these features "design elements." A design element can be any component of your mark that is not a word, such as a depiction of a star or a flower. Assigning design search codes to your mark helps us more effectively search our database for marks that may conflict with yours. Design search codes have no legal significance and will not appear on the registration certificate.

For more information about design search codes, including why and how we use them and information on adding or deleting design search codes from your application, please visit our design search code webpage at <http://www.uspto.gov/DesignSearchCodes>. For a list of design search codes, see the design search code manual at <http://tess2.uspto.gov/tmdb/dscm/index.htm>.

For questions, please call 1-800-786-9199 (option 1) to speak to a Customer Service representative in the Trademark Assistance Center. Please visit <http://www.uspto.gov/TrademarkAssistance> for additional information about the Trademark Assistance Center.

This notice will be available in TSDR in one business day.

# Trademark/Service Mark Application, Principal Register

Serial Number: 97268559

Filing Date: 02/15/2022

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	97268559
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS\EXPORT18\IMAGEOUT\18\972\685\97268559\xml1\APP0002.JPG">\\TICRS\EXPORT18\IMAGEOUT 18\972\685\97268559\xml1\APP0002.JPG</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	FORMA
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) blue, orange, pink, yellow is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a pixel design.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	2778 x 712
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Twic, Inc.
*MAILING ADDRESS	47000 Warm Springs Blvd, Ste 1-170
*CITY	Fremont
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	94539
*EMAIL ADDRESS	XXXX
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	042
	Non-downloadable technology platform for human resource professionals to offer personalized employee benefits,

<b>*IDENTIFICATION</b>	healthcare benefits, insurance benefits and lifestyle benefits to employees.
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
NAME	Angela C. Wilcox
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Wilcox IP, PC
STREET	20 North Wacker Drive, Suite 1000
CITY	Chicago
STATE	Illinois
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60606
PHONE	312-224-1504
EMAIL ADDRESS	awilcox@wilcoxit.com
OTHER APPOINTED ATTORNEY	Mary Cadrot
<b>CORRESPONDENCE INFORMATION</b>	
NAME	Angela C. Wilcox
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	awilcox@wilcoxit.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	mcadrot@wilcoxit.com
<b>FEES INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	350
*TOTAL FEES PAID	350
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/Jason Fan/
SIGNATORY'S NAME	Jason Fan
SIGNATORY'S POSITION	CEO
SIGNATORY'S PHONE NUMBER	5105561967
DATE SIGNED	02/15/2022
SIGNATURE METHOD	Sent to third party for signature

## Trademark/Service Mark Application, Principal Register

Serial Number: 97268559

Filing Date: 02/15/2022

### To the Commissioner for Trademarks:

**MARK:** FORMA (stylized and/or with design, see [mark](#))

The literal element of the mark consists of FORMA. The color(s) blue, orange, pink, yellow is/are claimed as a feature of the mark. The mark consists of a pixel design.

The applicant, Twic, Inc., a corporation of Delaware, having an address of

47000 Warm Springs Blvd, Ste 1-170  
Fremont, California 94539  
United States  
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 042: Non-downloadable technology platform for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The owner's/holder's proposed attorney information: Angela C. Wilcox. Other appointed attorneys are Mary Cadrot. Angela C. Wilcox of Wilcox IP, PC, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

20 North Wacker Drive, Suite 1000  
Chicago, Illinois 60606  
United States  
312-224-1504(phone)  
awilcox@wilcoxip.com

Angela C. Wilcox submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Angela C. Wilcox

PRIMARY EMAIL FOR CORRESPONDENCE: [awilcox@wilcoxip.com](mailto:awilcox@wilcoxip.com)

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): [mcadrot@wilcoxip.com](mailto:mcadrot@wilcoxip.com)

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$350 has been submitted with the application, representing payment for 1 class(es).

### Declaration

**Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;

- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Jason Fan/ Date: 02/15/2022

Signatory's Name: Jason Fan

Signatory's Position: CEO

Signatory's Phone Number: 5105561967

Signature method: Sent to third party for signature

Payment Sale Number: 97268559

Payment Accounting Date: 02/15/2022

Serial Number: 97268559

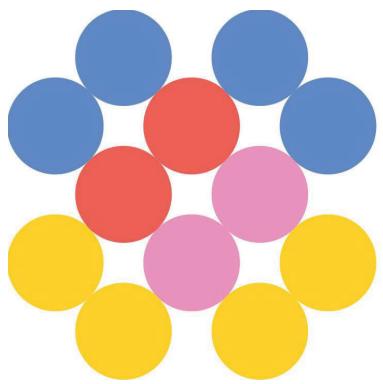
Internet Transmission Date: Tue Feb 15 19:39:35 ET 2022

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XX-2022021519393566

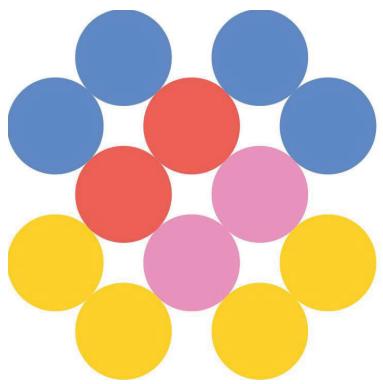
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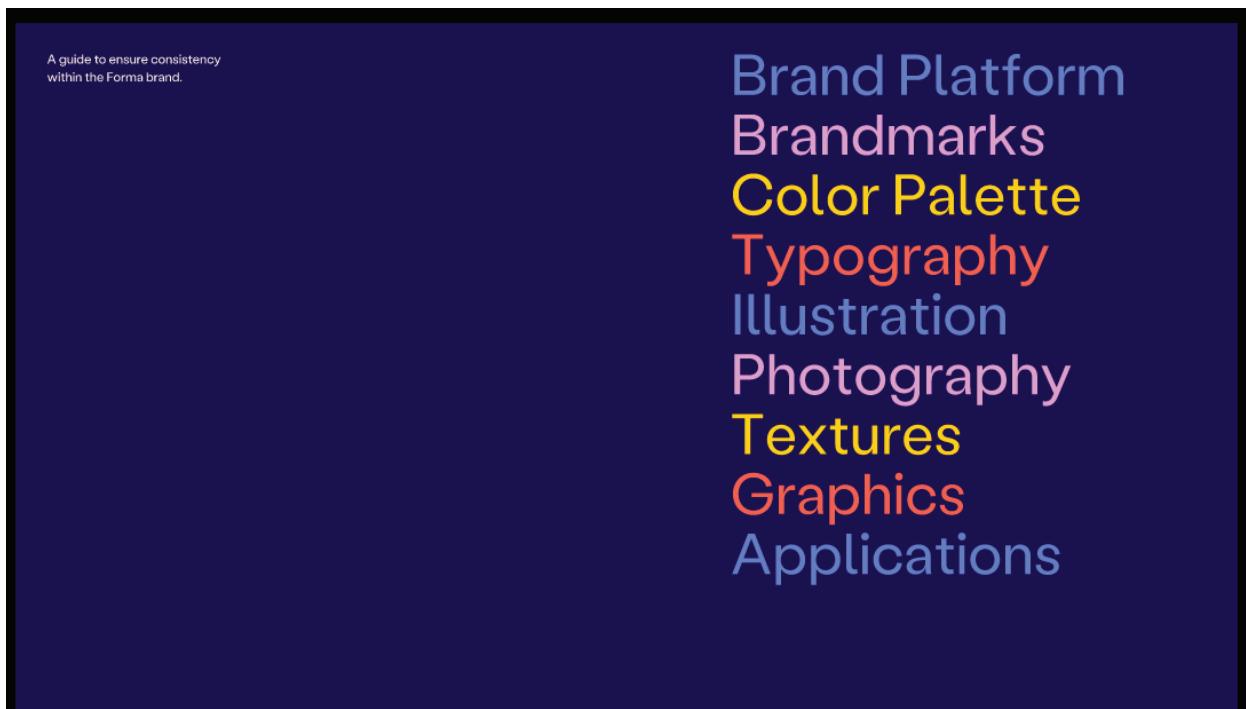
C-39343022-20220215090921397513



**forma**



**forma**



# Brand Platform

## Positioning

Our positioning articulates what we offer and emphasizes how we stand apart from our competitors.

**Forma is the life benefits platform that makes it easy to design and scale flexible benefits programs—whether your workforce is onsite, remote, or global.**

#### Promise

Our promise describes the unique benefits that we provide to customers.

## Employee benefits that flex to fit everyone's life.

#### Value Propositions

Our value propositions capture what specific advantages we bring to customers.

Design and deliver flexible, inclusive, and global benefits programs at every scale in a modern way.

#### Enterprise-Ready Platform

Engineered to integrate with existing systems, Forma streamlines HRIS integration, payroll reporting, tax compliance, and financial operations—all while securing your data and protecting your privacy.

#### Global Coverage

With a growing marketplace that supports the languages and currencies of more than 60 countries across the world, employees can enjoy benefits whether they're onsite, remote, or global.

#### Ever-Expanding Marketplace

With pre-configured vendor relationships, personal payment cards, and trusted suggestions, employees can easily explore a myriad of options to find the benefits that work best for them.

#### Exceptional Experience

The all-in-one employee portal brings together our marketplace, relevant content, and fast claims processing, making personalized benefits a delight to discover and activate. Our 98% CSAT and 75 NPS from more than 300,000 employees speak for themselves.

#### Stellar Support

To guide employees towards what they need and help your HR and Finance teams succeed, our Customer Success Team is there for you. (All humans, no robots.)

Purpose

Our purpose is an evocative description of why we exist as an organization.

## Helping the modern workforce find harmony at work and in life.

Story

Our story is an engaging and inspiring representation of our brand.

Just like our world, today's workforce is changing. No longer confined to cubicles, conference calls, or commutes, we're more diverse and distributed than ever before. But, while companies are moving forward, employee benefits are falling behind.

Our benefits should flex to fit our lives, not the other way around. It's time to make the switch from one-size-fits-none to unique options for everyone.

With flexible benefits that are delightful, distinct, and designed to support people's wellbeing, Forma helps the modern workforce find harmony at work and in life.

#### Voice

Our voice informs how we express our values in writing.

#### Flexible

Adaptive and diverse, never static.  
Speak with a sense of warmth.  
Individualized and intentional, never rigid.  
Make space for everyone with inclusive language.

#### Trustworthy

Credible and consistent, never contrived.  
Speak with a sense of simplicity.  
Distinct and direct, never vague.  
Inform and inspire with clear language.

#### Ambitious

Purposeful and energetic, never passive.  
Speak with a sense of energy.  
Celebratory and shared, never critical.  
Keep things moving with actionable language.

#### Copywriting

Consistent copywriting helps our customers trust and remember us.

Practice consistency when engaging with our audiences.

Refer to customers as "you and your teams."  
Refer to companies as "your organization."  
Refer to members as "your workforce" and "your employees."  
Refer to end users as "members."

Use actionable language to address each audience directly.  
Do: With Forma, you can...  
Don't: Forma empowers corporations to...

Encourage conversation with a candid tone of voice.  
Do: Let's find the best benefits for you.  
Don't: Enter your requirement code here.

Take note of the key differences between our support teams.  
The Member Experience Team is for employees and is available 24/7.  
The Customer Success Team is for employers and is available during business hours.

Avoid formal language unless it is necessary to describe technical details.  
Do: Enjoy pre-tax savings for eligible healthcare expenses.  
Don't: Choose from a variety of FSA and HSA plans.

#### Capitalization and Punctuation

Consistent copywriting helps our customers trust and remember us.

#### Sentence Case

Sentence case should be used in most instances to signal our candid and conversational tone of voice.

- Headers and subheaders (including articles)
- Quotes
- Body copy

#### Title Case

Title case should only be used when calling attention to technical details, interactive elements, and category markers.

- Navigational elements, filters, or tags
- Buttons or CTAs
- Category titles

#### Lower Case

While our wordmark is set in lower case to reflect warmth and humanity, our name should always be written as "Forma."

#### All Caps

All caps is never used because it reduces legibility, increases tension, and works against our personality.

#### Punctuation

Follow standard rules of punctuation. Reserve periods for full sentences, not headers and subheaders.

#### Visual Design Principles

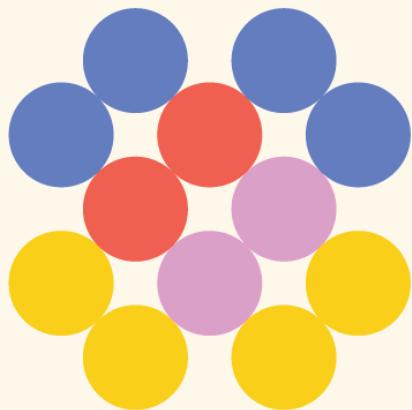
Our principles are the values that shape our brand expression. Every aspect of our brand should reflect these qualities.

Radical Ambition  
Delightful Choice  
Thoughtful System  
Trustworthy Guidance  
Shared Belonging

# Brandmarks

## Symbol

Our symbol is a vibrant representation of the universe of choice that we offer to our customers. It also reflects the dynamic, diverse, and optimistic workforce we serve.



#### Wordmark

Our new name is inspired by the idea of shaping delightful, diverse options for everyone instead of one-size-fits-none.

Our wordmark is built from custom letter-forms that reflect our bold, credible, and modern perspective. We use all lowercase letters to convey an approachable tone.

# forma

#### Primary Lockup

Our primary lockup includes both our symbol and our wordmark. This lockup acts as a universal signature across all of our communications.



#### Secondary Lockup

Our secondary lockup is vertical in orientation and is ideal for use in tall or narrow spaces.



**forma**



**forma**

#### Color Usage

In addition to our full color brandmarks, our brandmarks also exist in single color variations (Indigo and Warm White). When possible, use the full color versions. In scenarios where a single color is necessary, be sure to choose the color that will create the most contrast against the background it is sitting on.



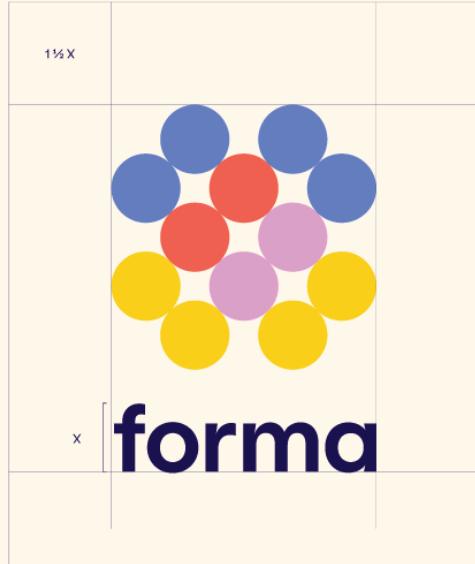
**Clear Space**

Please take special care in placing our wordmark in proximity to other elements. Minimum clear space is shown here.



**Clear Space**

Please take special care in placing our wordmark in proximity to other elements. Minimum clear space is shown here.



#### Minimum Size

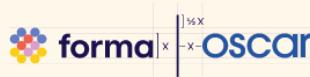
When scaling the primary lockup, consider its relationship in proportion to the format and other page elements.

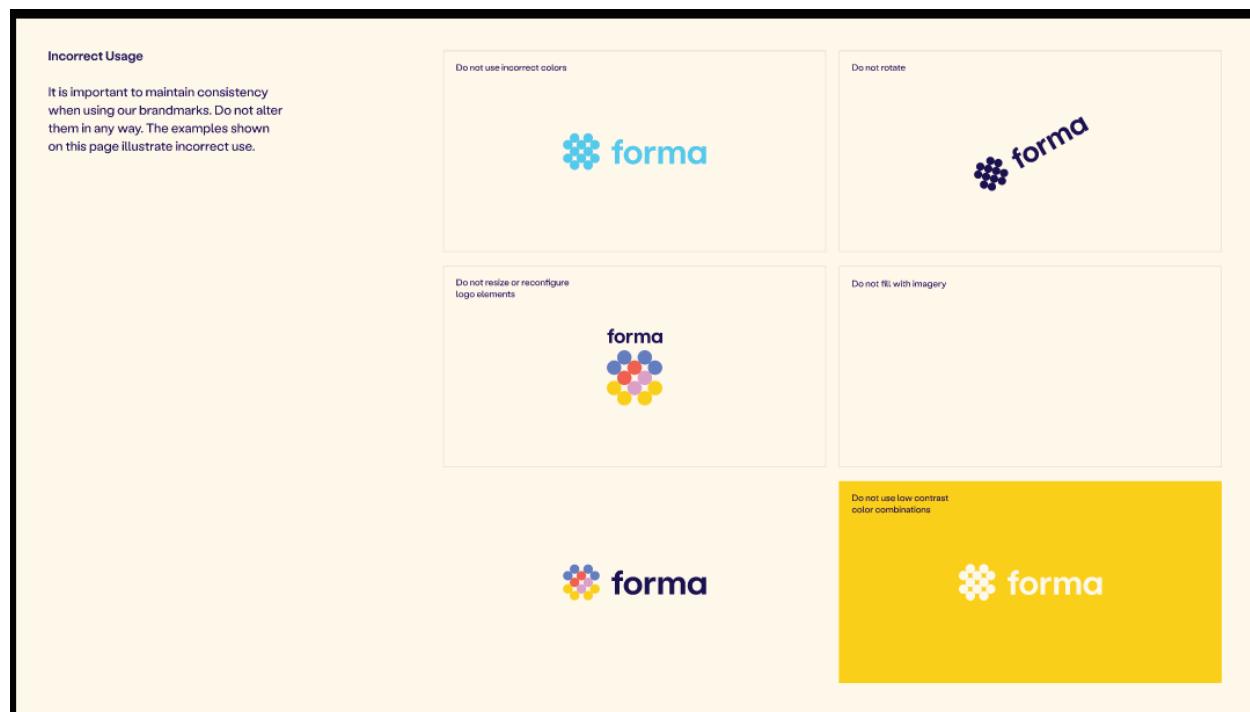
Do not scale below the minimum sizes, as shown on the right.



#### Partner Lockups

When creating a co-branding lockup, both brandmarks should be of equal height. In pairings that vary drastically in proportion, scale the brandmarks optically to ensure visual balance.

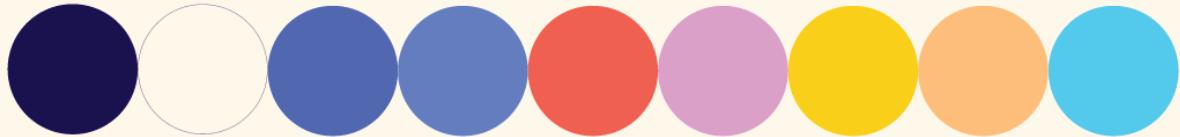




# Color Palette

### Color Palette

Our brand palette consists of vibrant colors that convey a sense of delight and energy when used individually, or together in a composition.



Indigo	Warm White	Blue 1	Blue 2	Red Orange	Pink	Yellow	Peach	Cyan
HEX #150050	HEX #FFF6E8	HEX #4967E5	HEX #5E85FE	HEX #EF6051	HEX #FA9BFA	HEX #FACF18	HEX #FFBF7B	HEX #56CAEC
RGB 21, 0, 90	RGB 255, 246, 232	RGB 73, 103, 229	RGB 94, 133, 254	RGB 239, 96, 81	RGB 250, 155, 250	RGB 250, 207, 24	RGB 255, 191, 123	RGB 86, 202, 236
CMYK 100, 100, 25, 42	CMYK 0, 2, 8, 0	CMYK 76, 63, 0, 0	CMYK 68, 42, 0, 0	CMYK 5, 54, 0, 0	CMYK 1, 81, 100, 0	CMYK 0, 29, 57, 0	CMYK 57, 0, 4, 0	CMYK 57, 0, 4, 0
PMS 2766 C	PMS 9285 C	PMS 2386 C	PMS 2727 C	PMS 7417 C	PMS 223 C	PMS 109 C	PMS 148 C	PMS 305 C
PMS 2768 U	PMS 9285 U	PMS 2174 U	PMS 2727 U	PMS Bright Red U	PMS 223 U	PMS 223 U	PMS Yellow 012 U	PMS 148 U

### Color Distribution

Our color palette is anchored by Indigo, Warm White, and Blue 1. Our accent colors are used within our logo, illustrations, graphics, and sometimes typography. Blue 2, Pink, Red, and Yellow should be used in roughly equal proportions, while Peach and Cyan should be used more sparingly.

Used for backgrounds, primary text, and graphics

Indigo

Warm White

Blue 1

Blue 2

Pink

Red

Yellow

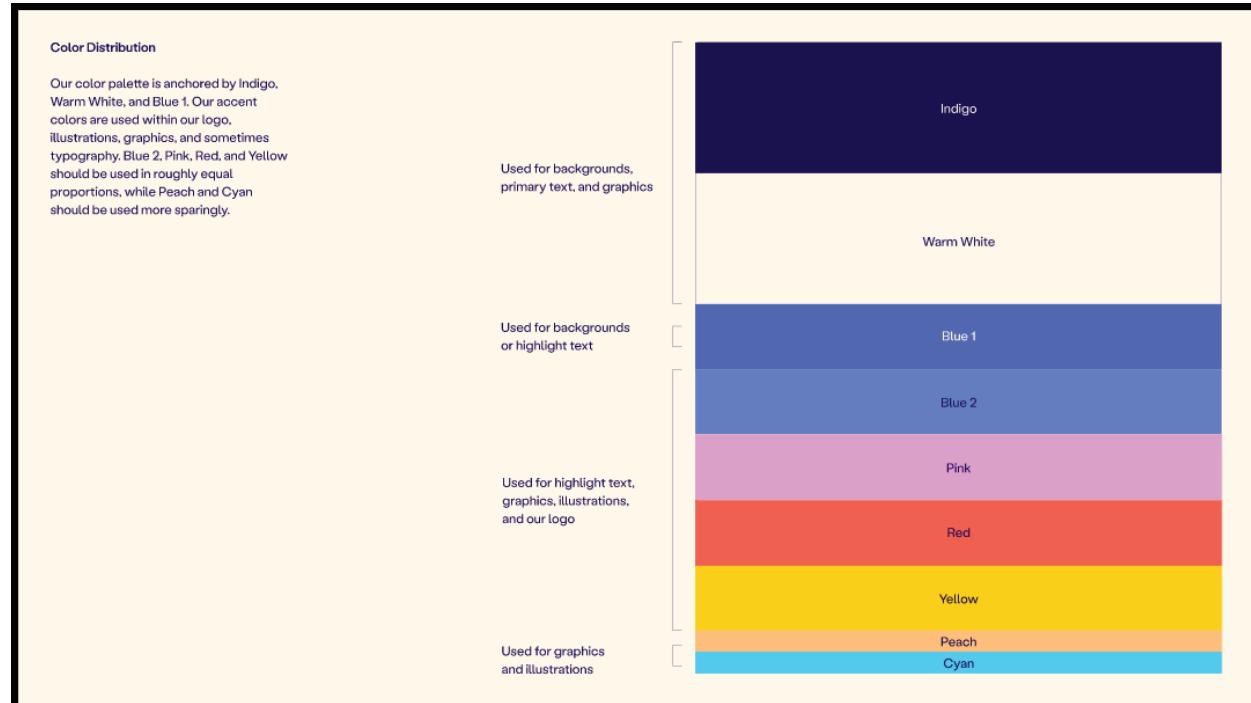
Peach

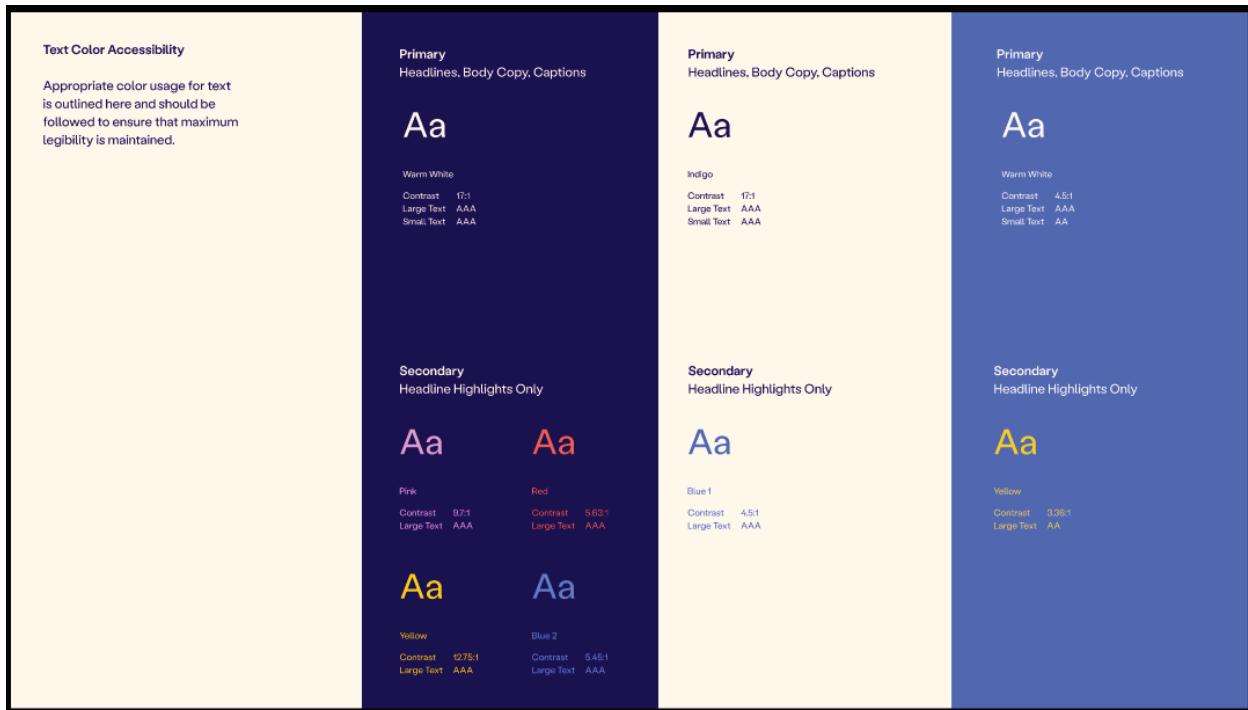
Cyan

Used for backgrounds or highlight text

Used for highlight text, graphics, illustrations, and our logo

Used for graphics and illustrations





# Typography

#### Brand Typeface

We use Labil Grotesk for all brand communications. Labil Grotesk is a sans serif typeface with contemporary forms and unique details. It balances functional clarity with distinct geometric character.

# AaBb

#### Weights

Labil Gotesky Regular is our primary weight and should be used in most scenarios (headlines, subheads, body copy). Labil Grotesk Medium is only used in scenarios where we need to create an additional level of hierarchy at smaller scales. See the following page for more details on when to use medium vs. regular.

#### Labil Grotesk, Regular

ABCDEFGHIJKLMNOPQRSTUVWXYZ  
abcdefghijklmnopqrstuvwxyz  
0123456789  
\$(&?!%,:"-)\*

#### Labil Grotesk, Medium

ABCDEFGHIJKLMNOPQRSTUVWXYZ  
abcdefghijklmnopqrstuvwxyz  
0123456789  
\$(&?!%,:"-)\*

#### Hierarchy

Refer to the examples on this page for recommended styles and hierarchy.

Labil Grotesk  
Regular  
175 PT  
100% Line Height

# Benefits that flex to fit

A universe of life benefits for today's workforce

Labil Grotesk  
Regular  
40 PT  
115% Line Height

Design and customize your program

Labil Grotesk  
Medium  
18 PT  
140% Line Height

Select from a variety of ready-to-run life benefits programs that best match your strategy and coverage needs, including flexible funding options, whether pre-tax, employer-, or employee-sponsored. Then once you've established customized spending accounts, sit back and let your employees set up their personalized benefits.

#### Color

We sometimes use our accent colors as a way to highlight key words within our headlines. Refer to the Text Color Accessibility slide for more details.

Blue 1  
#4967E5

# Finding harmony at work and in life

Yellow  
#FACF18

Warm White  
#FFF6E8

Labil Grotesk  
Regular  
200 PT  
105% Line Height

## Color

Our accent colors can be used to distinguish categories within a list. This vibrant styling reflects our sense of diversity and choice.

Indigo  
#150050

Family & Relationships Blue 2  
#5E85FE

Education & Career Pink  
#FA9BFA

Wellbeing & Lifestyle Yellow  
#FACF18

Basic Health & Protection Red Orange  
#EF0051

Money & Wealth Blue 2  
#5E85FE

Work & Performance Pink  
#FA9BFA

Labil Grotesk  
Regular  
100 PT  
105% Line Height

## Google Typefaces

Our brand typeface, Labil Grotesk, should be used wherever possible.

In scenarios where this is not possible (Google Slides + Docs), Helvetica Neue may be used in place of Labil Grotesk.

Helvetica Neue, Regular  
ABCDEFGHIJKLMNOPQRSTUVWXYZ  
abcdefghijklmnopqrstuvwxyz  
0123456789  
\$(&?!%;:-)\*

Helvetica Neue, Bold  
ABCDEFGHIJKLMNOPQRSTUVWXYZ  
abcdefghijklmnopqrstuvwxyz  
0123456789  
\$(&?!%;:-)\*

#### Google Typefaces Hierarchy

Refer to the examples on this page for recommended styles and hierarchy when using Helvetica Neue.

Within Gmail, please select the typeface designated "Sans Serif."

Helvetica Neue  
Regular  
175 PT  
100% Line Height

# Benefits that flex to fit

A universe of life benefits for today's workforce

Helvetica Neue  
Bold  
18 PT  
115% Line Height

#### Design and customize your program

Helvetica Neue  
Regular  
18 PT  
140% Line Height

Select from a variety of ready-to-run life benefits programs that best match your strategy and coverage needs, including flexible funding options, whether pre-tax, employer-, or employee-sponsored. Then once you've established customized spending accounts, sit back and let your employees set up their personalized benefits.

# Illustration

#### Illustrations

We use illustrations to bring a human perspective to our broad range of product offerings and advantages. Our illustrations convey people, abstract concepts, and tangible benefits. Our distinct illustration style features fluid curves, vibrant colors, subtle gradients, and playful energy.

The illustration on this page conveys the diverse lifestyles of our customers and the flexible benefits we offer them.



#### Hero Illustrations

Hero illustrations generally convey broader scenes and subject matter, and are intended to be used at a larger size.

The illustration on this page conveys the idea finding harmony at work and in life.



#### Spot Illustrations

Our spot illustrations are typically used to convey specific ideas or advantages.

The illustrations on this page convey a new level of flexibility, efficient administration, and a competitive advantage.



#### Spot Illustrations

Our spot illustrations are typically used to convey specific ideas and advantages.

The illustrations on this page convey the global workforce, caring for others, and challenging our own ideas.



#### Spot Illustrations

Our spot illustrations are also used to depict the different life benefits we offer.

The illustrations on this page convey:

Wellbeing & Lifestyle  
Basic Health & Protection  
Money & Wealth  
Family & Relationships  
Work & Performance  
Education & Career



#### Small Scale Illustrations

At smaller scales, our illustrations are simplified for clarity.

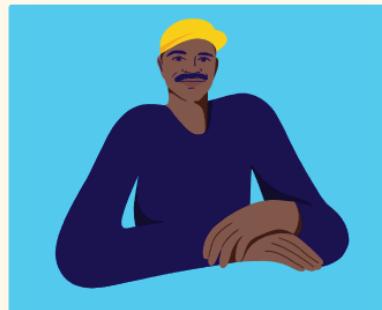
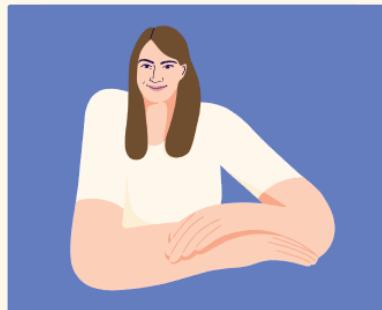
The illustrations on this page convey

the benefits we offer our own team:  
Remote Friendly  
Healthcare  
Flexible PTO  
Parental Leave  
Lifestyle Stipend  
Team building Stipend  
Productivity Stipend  
Career Opportunities



#### Illustrated Portraits

Illustrations may also be used to represent specific people on our team. These portraits feature slightly more realistic facial features, but otherwise align with our other illustrations.



# Photography

#### Photography Style

Our photography style is warm and approachable. When possible, use bright, natural lighting and avoid overly busy compositions. Our photos capture candid moments of our customers and employees. People should appear relaxed and in natural environments. Imagery of people should capture diversity of gender, age, and ethnicity whenever possible.



#### Photography Style

Our marketplace photography is bright, clean and colorful. Photos should show specific moments or benefits that Forma offers. We use tight crops to emphasize specific items or moments. Backgrounds should show realistic scenery without adding visual clutter.

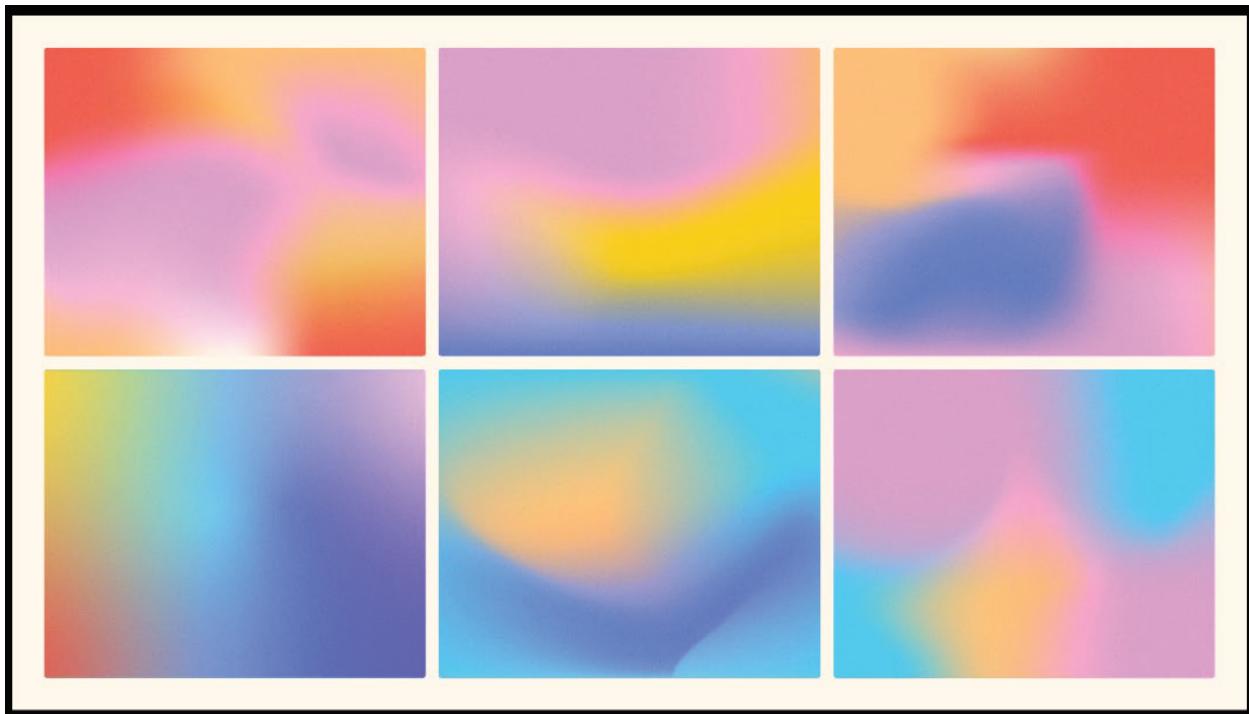


#### Things to Avoid

Avoid photographs that are overly posed or unnatural. Avoid settings that are busy and cluttered, and appeared staged. People should not have contrived facial expressions. Do not use imagery that has harsh lighting, is too washed out, or uses strong photo filters.



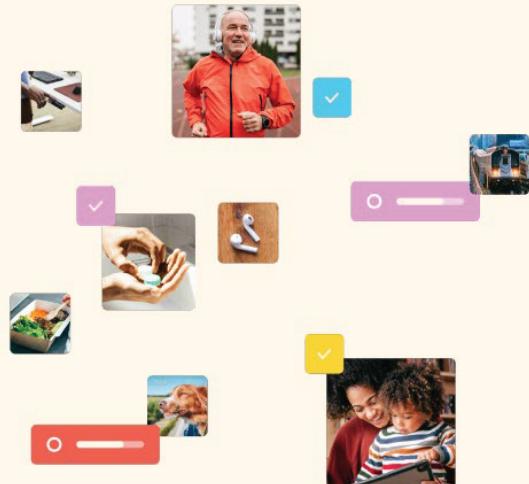
# Textures



# Graphics

## Abstracted Marketplace

We utilize a combination of photography and simplified UI components to represent the Forma marketplace. This level of abstraction gives us a way to quickly and simply convey the universe of choice available on our platform.



#### Abstracted Interfaces

We also use abstractions of our platform to show specific product features in a more simplified manner. We show mobile and desktop screens, and use a layered approach to highlight specific elements.



#### Abstracted Interfaces

Our debit card can be paired with abstracted interfaces to demonstrate ease of use. When we want to represent specific partners on our platform, their logos can be featured alongside simplified UI components and photography.

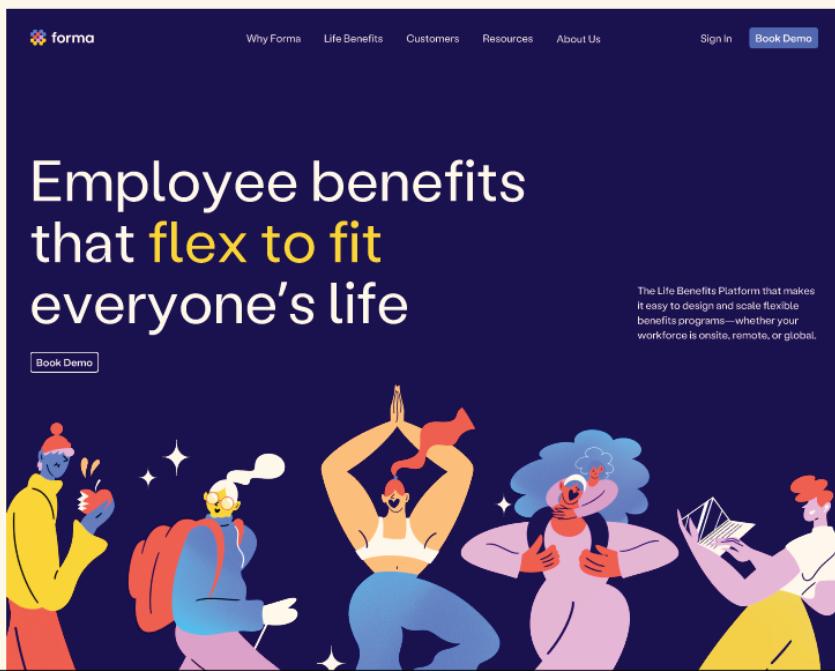


# Applications

## Website

Our website is used to intrigue and inform potential customers about our company and product. An intuitive interface and dynamic visuals encourage engagement and conversion.

Illustrations are used to convey high-level ideas that relate to our brand messaging or product advantages. Abstract UI is used to highlight our product features, while photos are used to reflect tangible benefits or real people.



The screenshot shows the homepage of the forma website. The header features the forma logo, a navigation bar with links for 'Why forma', 'Life Benefits', 'Customers', 'Resources', and 'About Us', and buttons for 'Sign in' and 'Book Demo'. The main headline reads 'Employee benefits that **flex to fit** everyone's life'. Below the headline is a subtext: 'The Life Benefits Platform that makes it easy to design and scale flexible benefits programs—whether your workforce is onsite, remote, or global.' At the bottom, there is a row of five stylized, colorful illustrations of people engaged in various activities: a person in a yellow hoodie eating an apple, a person with a backpack and a speech bubble, a person in a white tank top and blue pants doing a yoga pose, a person with blue hair and a red hoodie, and a person in a pink hoodie reading a book.

**Why Forma**



Benefits programs that work the way you do

Design and customize your program

Employees discover and select personalized benefits

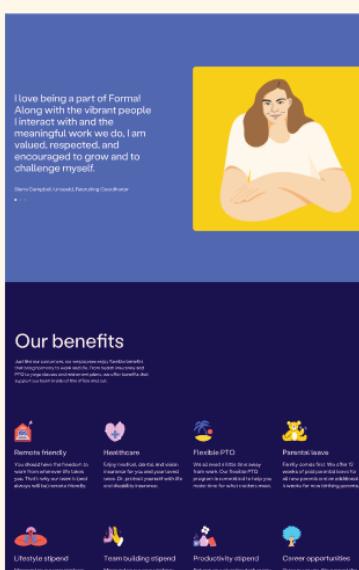
**About Us**



Finding harmony at work and in life

Our investors

**Careers**

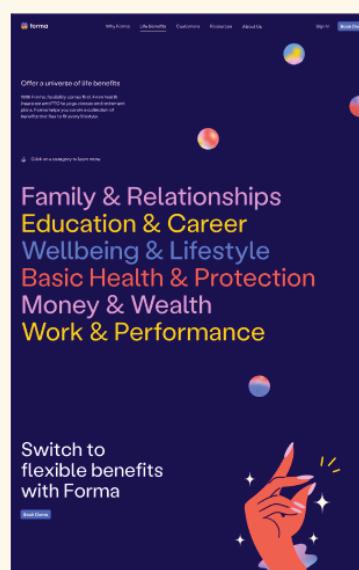


I love being a part of Forma. Along with the vibrant people I interact with and the meaningful work we do, I am very respected, and encouraged to grow and to challenge myself.

Shane Campbell, Unilever, Recruiting Coordinator

Our benefits

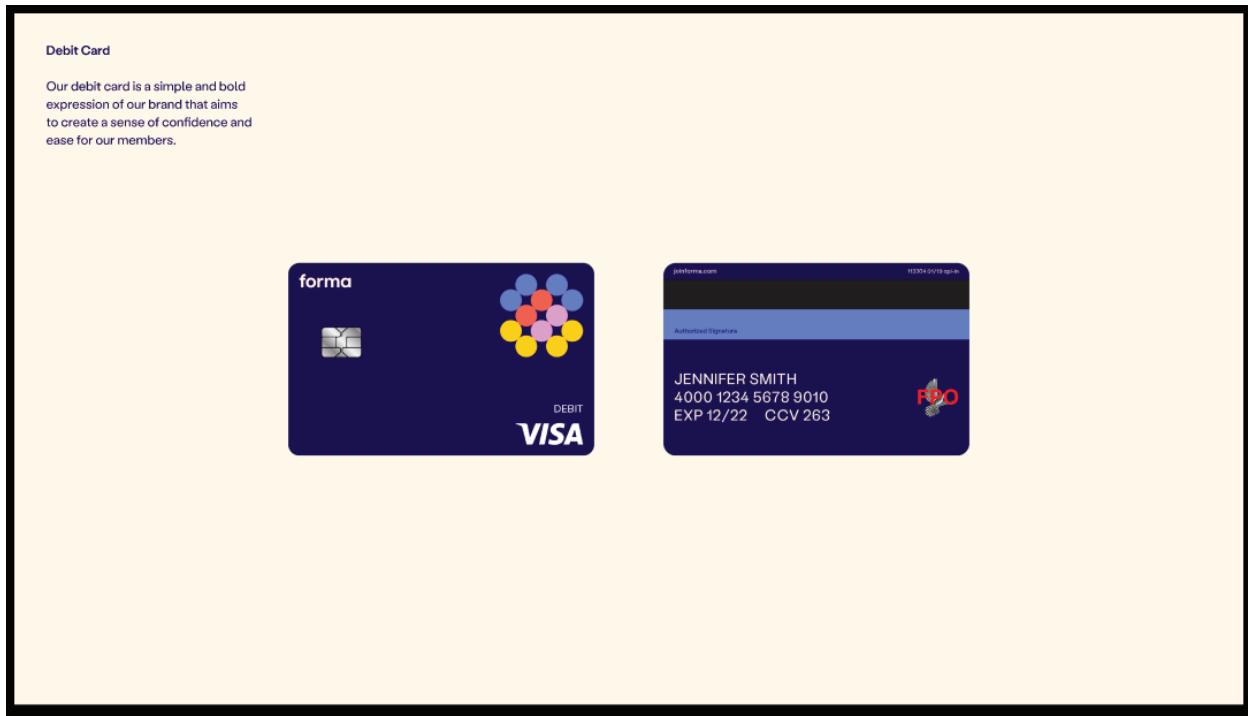
**Life Benefits**



Offer a universe of life benefits

Family & Relationships  
Education & Career  
Wellbeing & Lifestyle  
Basic Health & Protection  
Money & Wealth  
Work & Performance

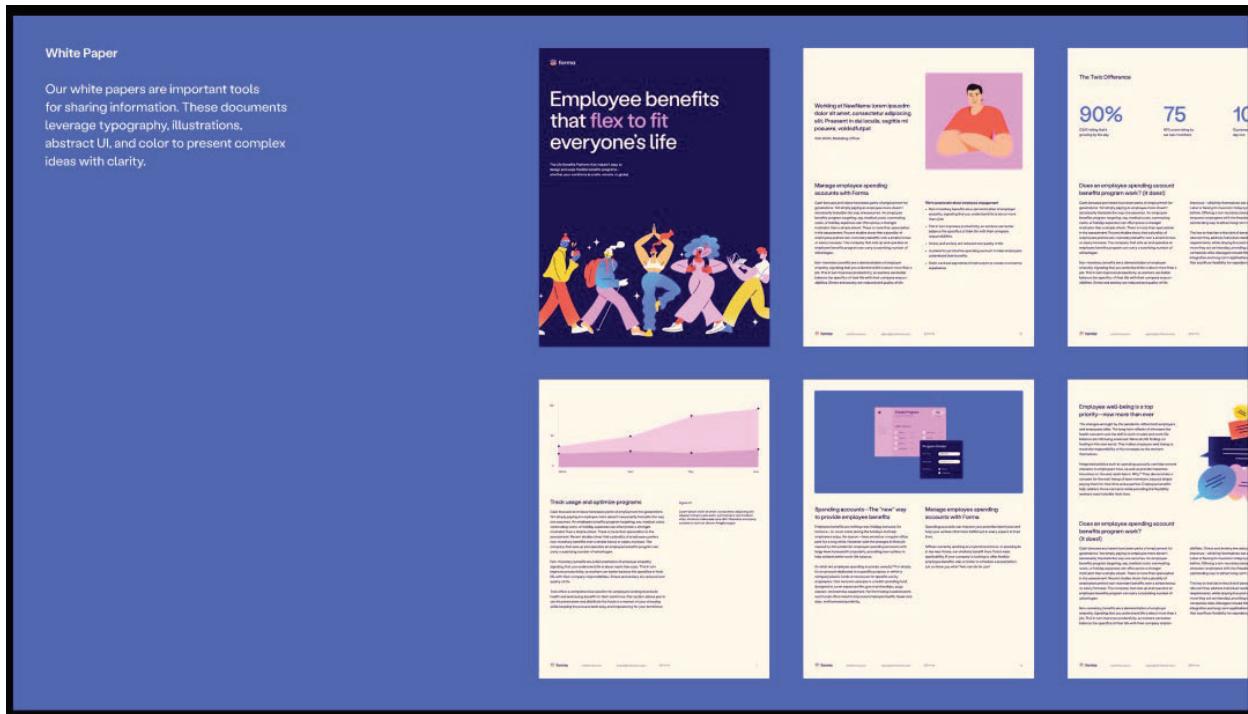
Switch to flexible benefits with Forma



**Slide Deck**

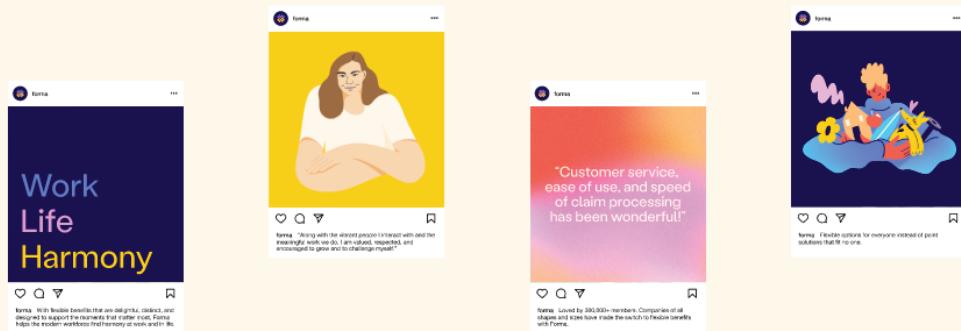
Our presentations are professional, clean, and approachable. Each slide has a clear purpose and hierarchy.

Illustrations are used to convey high-level ideas that relate to our brand messaging or product advantages. Abstract UI is used to highlight our product features, while photos are used to reflect tangible benefits or real people.



#### Social Media

When we communicate on social media, we aim to keep our posts simple and focused. Imagery should be used independently and without treatment. Typography can be used in combination with our brand colors and textures.



#### Business Card

Our business cards feature our wordmark, brandmark, and contact information. We use our Indigo color as a rich backdrop to instill trust and ensure legibility.



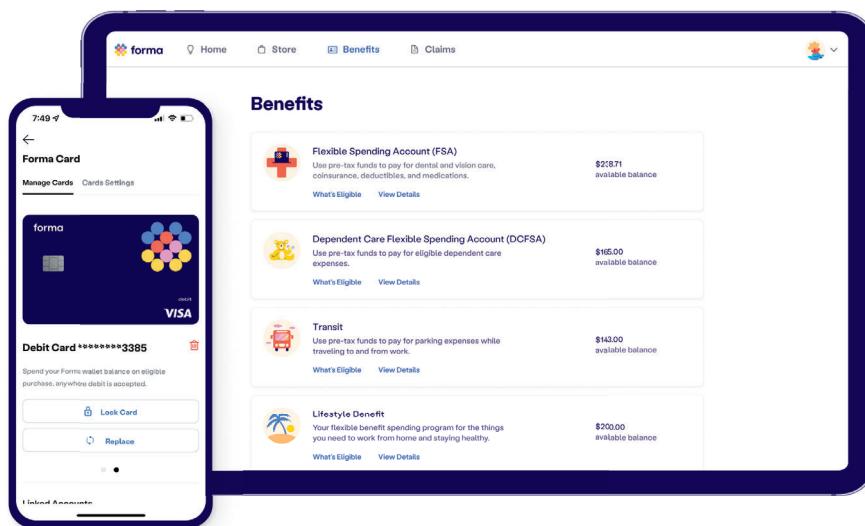
# Thank you!

Questions?  
brand@joinforma.com



# Customizable spending accounts. Better benefits.

For years, well-intentioned organizations have added more benefit programs and perks only to find they're too complex and employees don't value them. Forma designed a better way with a flexible benefits platform that's easy to manage and lets employees choose benefits that work for them.



## One platform. Ultimate flexibility.

Forma gives users a single touchpoint and personalized experience for all their spending account benefits. Our approach has helped companies save costs, improve utilization, and support individual needs on a global scale.

### Forma's Flexible Benefits Suite

One place for all your spending accounts



Lifestyle Spending Account (LSA)



Health Savings Account (HSA)



Flexible Spending Account (FSA)



Commuter



COBRA



Health Reimbursement Arrangement (HRA)

Powering flexible benefits worldwide



# The platform that does it all for you!

Forma helps create custom, inclusive, global benefits programs that flex to fit everyone—all in an easy-to-use platform.

## + Three ways to pay

Employees spend benefit funds on their terms via The Forma Store, The Forma Visa Card, or claims reimbursement.

## + Dedicated support

We'll handle procurement, administration, fulfillment, and compliance. Plus, enjoy fast claims review with 24/7 support. All humans. No bots.

## + Award-winning UI/UX

Employers seamlessly define, manage, and adjust benefits anytime for employees to use with ease.

## + Truly global

We're live in 100+ countries so you can deliver all of the unique customizations and processes at scale.

## + Enterprise-grade tech

Forma is SOC 2 certified, GDPR compliant, and adheres to WCAG standards expected of global enterprises.

## + A beautiful backend

The tech behind the scenes is world-class. Payments, HR integrations, and managing different taxation processes are easy and just work.

# How Forma works

The flexible benefits platform works hard so you don't have to!

## 1 Quickly customize and set up spending accounts

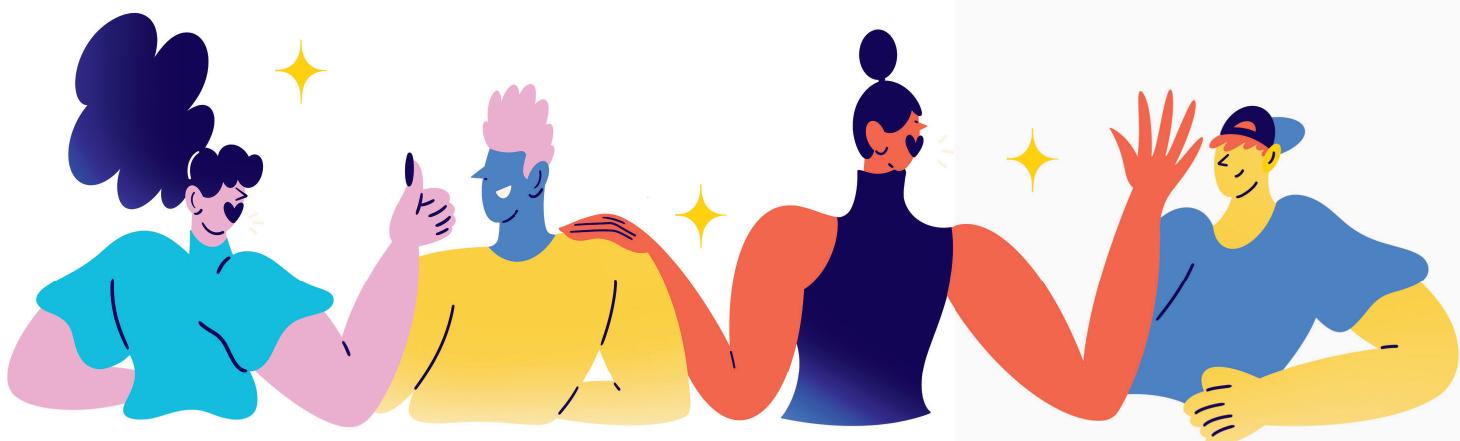
Forma works with you to define account types and eligibility requirements.

## 2 Employees choose what works for them

Your workforce selects benefits and uses funds based on their personal preferences.

## 3 Forma takes care of the rest

We help take care of it all—so you can take a break and reap the benefits of Forma!



An exceptional experience on a global scale

98%  
CSAT rating

98%  
customer retention

220+  
customers

75  
NPS

450K  
active members

100+  
countries

# The comprehensive guide to Lifestyle Spending Accounts (LSAs)

Gain insight into the LSA market and  
why the benefit is mission-critical



Employee  
benefits that  
**flex to fit**  
everyone's  
life



01	Redefining employee benefits with Lifestyle Spending Accounts	4
02	What is an LSA?	5
	The evolution of flexible benefits	
03	How LSAs work	7
	The advancement of modern TPA	
	Point solutions vs LSAs	
	The top LSA use cases	
04	10 reasons why LSAs are better than market alternatives	13
05	Unlock the benefits of LSAs	17

# Redefining employee benefits with Lifestyle Spending Accounts

Companies are critically aware of how important employee benefits are as a key driver to attracting and retaining top talent. Not surprisingly, employee benefits rank as the [second largest labor-related expense](#) next to salary and account for 30% of the overall employee compensation budget.

In order to keep pace with rapid change in today's competitive job market, organizations have introduced more and more programs into the benefits package. Yet, there are fractures in this approach that diminish returns. Despite the many perks available, employees don't fully value or use the benefits. Offering a multitude of perk-based point solutions isn't equitable or scalable.

More doesn't always deliver.

80% of companies offer

**5-15** perk and wellness benefits  
averaging [>50% utilization per program](#)

Forma Research: 2023 state of employee perks and wellness programs

With the growing number of benefits, program costs skyrocket, and administration demand goes up. Difficulties navigating the complexities of multiple platforms just to access the many benefits in the ever-growing benefits program drive down utilization. Understandably, finance teams start to scrutinize the investment as the benefits no longer serve the intended purpose.

Lifestyle Spending Accounts (LSAs) change the paradigm. LSAs offer much-needed efficiencies in terms of capital allocation and administration efforts. Benefits only work if employees use them—and unless the program addresses their specific needs, they won't. These ultra-customizable spending accounts can cover expansive needs at scale. As such, the solution provides employees with an idyllic experience when choosing and using benefits based on their personal preferences.

Do more with less.

**80%** average monthly utilization by Forma users

Forma Research: 2022 Lifestyle Spending Accounts (LSA) benchmark report

This paper provides the foundation to better understand the emerging LSA market. The information breaks down what an LSA is, how the benefit works, its advantages, use cases, and why it's a critical component of a comprehensive benefits strategy. With a deeper understanding of the LSA domain, benefits professionals will have the tools needed to build a competitive benefits system where employees choose meaningful benefits, companies only pay for valued benefits, and benefits professionals have less to manage.



# What is an LSA?

A Lifestyle Spending Account (LSA) is an employer-sponsored account that employees can use to pay for various lifestyle-related expenses. LSAs are infinitely customizable spending accounts where the employer provides a stipend for approved benefit use cases, defines eligibility rules, and then gives the employees choice on how they spend funds. Usually, a third-party administrator (TPA) will manage the program, process claims, and handle reimbursements.

Employers can customize the accounts with subsequent eligibility criteria to steer employee usage without undue limitations. The options are limitless and determined by where companies want to focus the benefits investment. As such, LSAs are the most capital-efficient approach to benefits and perks available. Companies only spend on perks that get used and are meaningful to employees.

## Get more with LSAs

LSA benefits can be customized to your existing programs, budgets, and company values. And with the industry's first LSA Eligibility Standards, setting eligibility is as easy as a toggle switch.

 Learn more about LSA use cases.



## The evolution of flexible benefits

Not too long ago employees could expect a finite amount of commoditized benefits as part of the Total Rewards package. From medical, dental, vision, life insurance, and some sort of retirement benefits, employers set the bar for the demand.

As the competition to attract and retain top talent grew fierce, employee benefits became an integral piece of the puzzle. Employers surveyed employees for input and responded in kind. The power dynamic gradually began to shift, giving employees a seat at the table.

People value choice.

A 2022 conjoint analysis conducted by Forma and Aon revealed that employees place a high value on flexibility and choice.



A benefit set by the employer ranked poorly at 16 out of 17, with 15 options that offer the flexibility to choose ranking higher.

Receiving the right benefit can increase the perceived value up to

**53%**

Forma Research and Aon:  
The ROI of flexible benefits



New innovative solutions emerged to offset the rising cost of healthcare, such as high deductible health plans with Health Savings Accounts. The consumer-driven model encouraged employees to take a more active role in managing their benefits.

Meanwhile, fringe benefits from wellness initiatives with rewards that drive healthy behaviors to professional development programs that advance skills gained momentum. Employers incentivized employees further with onsite perks from gym memberships to in-office lunches, snacks, and coffee stations—even ping pong and gaming centers.

Then, Covid hit. Overnight, organizations needed to quickly support a workforce operating at home. Ergonomic chairs, meal service, mental wellness apps, virtual healthcare, Wi-Fi, the list goes on—work from home perks became the norm.

The need to respond to change accelerated the trend toward employee-centered benefits and hasn't slowed down—the overturning of Roe V. Wade drew attention to Specialty HRAs, the Black Lives Matter Movement increased focus and scrutiny on DE&I, and the war in Ukraine generated a need to support displaced employees, oceans away.

The collective has changed the benefits market, with ever-evolving demands and more programs being added to the mix. The days of HR departments dictating which benefits are best for the whole staff have become obsolete. Employees don't just want more. They want the autonomy to make decisions based on what works for them and their situations.

Enter Lifestyle Spending Accounts.



# How LSAs work

With LSAs, employers can set up various allowances and define eligibility parameters. For example, a company can offer employees \$100 per month for approved wellness activities, a separate account for financial aid assistance, and even one-time usage benefits for needs like adoption assistance or a new hire's home office equipment.

At the highest level, the LSA construct includes a few basic parameters.

- + Employers determine the funding.
- + Employers define eligibility requirements for each spending account.
- + Employees choose how to spend account funds.

Within the framework, employers set program eligibility so it fits the goals of the organization and employees. Some companies will be prescriptive with spending account types tied to specific initiatives, engagement survey results, or business goals and offer multiple types of LSAs. Others create a catchall Lifestyle Spending Account for broader support—perhaps mental health, physical fitness, learning & development, caregiving—whatever the company deems eligible.



Employees can use the LSA benefit differently depending on their personal preferences. For example, a company provides a wellness LSA and sets requirements that accommodate varied life stages. Those in their 20s may choose to spend funds on gym memberships. Others in their 30s may want to use funds for child care. Some in their 40s may pay for financial planning applications.

With LSAs, the options are endless. The HR team can deliver on its main focus—supporting employees. And given the flexibility of an LSA program, they're able to administer and manage successful benefits with greater ease.

Lifestyle Spending Accounts benefit everyone.

## + Employers

Offer the most attractive benefits packages possible while optimizing spend.

## + Employees

Enjoy unlimited flexibility with how they choose their benefits.

## + Benefits Professionals

Eliminate countless hours (and headaches) managing point solutions.

Forma Research: 20 ways to find budget for Lifestyle Spending Accounts



## The advancement of a modern TPA

Outsourcing to a third-party administrator (TPA) should ease administration efforts. Typically, the TPA manages all of the employee claims, vendor relationships, and compliance factors. More sophisticated and innovative TPAs have entered the market—the advancement of which offers a single touchpoint to administer LSAs. This way, employers can provide various LSA programs in a unified manner.

The combination of an LSA and an experienced, modern TPA solution can be game-changing.

- + Companies can deliver inclusive, equitable benefits at every scale.
- + Budget control, accountability, and administration are best-in-class.
- + Employers and employees enjoy enhanced accessibility via a single solution with a rewarding user experience.
- + Data-gathering capabilities evaluate program performance, engagement, and utilization.
- + The program can be easily adjusted anytime and respond to emerging needs.

All the above lessen the administrative burden and inefficiencies. The modernized solution helps drive engagement and utilization. Naturally, employees choose and use their benefits. Benefits leaders have a clear understanding of when the benefit is being used. As a result, companies can efficiently allocate spend based on when employees use funds.

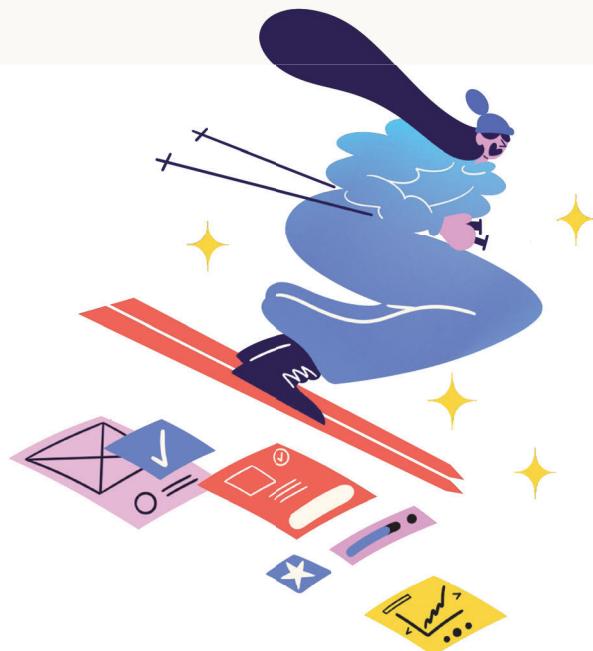
### How Forma works

The platform that works hard, so you don't have to. This way, you can focus on being strategic, inclusive, and competitive.

- 1** **Customize and set up spending accounts.**  
Forma works with you to define account types and eligibility requirements.
- 2** **Employees choose what works for them.**  
Your workforce selects benefits and uses funds based on their personal preferences.
- 3** **Forma takes care of the rest.**  
We help take care of it all—so you can take a break and reap the benefits of Forma!



Learn more about how to design a custom LSA program.



## Point solutions vs. LSAs

Companies often contract vendors to provide point solutions or stand-alone perks, stipends, or wellness benefits. In an attempt to support growing demands, point solutions are included ad hoc, with employers choosing individual vendors to administer each one. While the intent is sound, the strategy falls short. Patching together disparate systems - many of which were built in the 1990s with outdated UX - is inefficient, ineffective, and makes matters worse for everyone involved.

### Point solutions

**Substantial cost:** Managing multiple solutions and vendors comes at a high price tag compounded by the cost of hours spent on oversight.

**Administrative burdens:** Implementing and managing multiple solutions is time-consuming and inefficient. Each and every program requires oversight—from contracting to vendor management, communication plans, and internal support. Now multiply that 5x, 10x, or more.

**Usage barriers:** Users have to learn how to work multiple applications which takes time. Add to that outdated tech with poor UX leads to frustration and damages utilization. The culmination is problematic, especially when the whole point of benefits is for people to use them.

**Difficulty scaling:** Adding more and more individual benefits is cumbersome to implement. While important to be agile and respond to evolving needs, before long, the benefits system becomes highly complex and difficult to manage.

A better approach to meet diverse needs at scale is to leverage the flexibility of an LSA with a modern TPA solution. The combination reaps many advantages. And, when compared to point solutions, the modernization of an LSA with newer generation TPAs proves to be the clear winner.

### Modern LSAs

**Streamline costs:** LSAs are 'notional', meaning the company only pays for funds that get used. This differs from various benefit point solutions that require a per-employee price regardless of usage.

**Drastically reduce administration oversight:** Companies can consolidate multiple LSA programs, stipends, and perks into spending accounts. A modern TPA provider handles program design, claims administration, member support, and vendor management.

**Higher utilization:** With a single source of truth, admins and employees no longer need multiple access points, effectively removing usage barriers and driving utilization.

**Adaptive and scalable:** It's near impossible to identify a benefits mix that will be beneficial to a distributed, multi-generational workforce. With LSAs, employers can offer expansive options and empower employees to spend funds based on their needs.



## The top LSA use cases

LSAs provide distinct benefits depending on their setup. A health and wellness account, for instance, will have a different advantage than an account dedicated to working remotely or commuting. Some types of accounts, such as wellness, are universal. Others, such as child care or elder care, are more specific to certain workers. With LSAs, you can specify programs for varied uses. In each instance, the programming provides benefits that bring the flexibility that workers desire to options that help companies thrive.

Selecting the right categories for your workforce is extremely important. Make sure your design includes all the categories you wish to fund (informed by the feedback given by your employees) with specific parameters for each one.

Provide holistic support.

Given the expansive nature of LSA design, the flexible benefit can support well-being holistically. One approach that balances administrative demand with widespread support at scale is to offer an all-encompassing LSA. Categorically, a general lifestyle benefit can cover far reach and is designed to support the four pillars of well-being: physical, mental, financial, and social. Then, employees can choose what's meaningful to them.



Learn how to design a successful LSA program.

The following breaks down the top use cases, including the account type, eligible expenses, and pro-tips to help inform LSA program design.

### Physical wellness



Support health and well-being needs

**Account type:** Fitness and wellness

**Eligible expenses:** Gym memberships, fitness classes, virtual fitness classes or apps, running shoes, bicycles, marathon costs, home exercise equipment, exercise clothing and accessories, healthy meal delivery, nutritional counseling

**Pro tip:** Many companies prefer to take a holistic approach to wellness and opt to include emotional, financial, family, and social well-being benefits with eligible expenses aligned to each pillar.

### Work from home



Help workers perform their job comfortably from home

**Account type:** Remote work

**Eligible expenses:** Desks, office chairs, headphones, desk equipment, computer/laptop accessories, cables/cords

**Pro tip:** Supporting employees' remote or hybrid work needs has become an increasingly popular benefit.

### Learning & development



Foster career growth and opportunities

**Account type:** Tuition reimbursement, student loan assistance, continuing education

**Eligible expenses:** In-person learning, online learning, class materials/supplies, industry event, testing fee

**Pro tip:** Expand the program to include reimbursement for ongoing education expenses and previously incurred expenses, such as student loans.



## Common types of LSAs

### Team building



Promote belonging and company culture.

**Account type:** Belonging, connection

**Eligible expenses:** Drinks, lunches, dinners, in-person or virtual activities

**Pro tip:** You can set aside specific funds to help support employee connection. Set up a monthly amount that doesn't roll over to incentivize team-building efforts.

### Family care



Offer care for employees and their families.

**Account type:** Caregiving, pet care, new parent, fertility, adoption assistance

**Eligible expenses:** Caregiving: daycare, babysitters, tutoring, eldercare, car services, dog walking, pet boarding, fertility expenses, adoption, surrogacy costs

**Pro tip:** When layered with Health Reimbursement Arrangements, family care can reimburse for fertility and reproductive health care needs as well.

### Commuter assistance



Ease the burden of the workforce's commute.

**Account type:** Commuter\*

**Eligible expenses:** Bicycles, scooters, Uber/Lyft, gas

**Pro tip:** Many are using commuter benefits as a part of the return to work strategy. The benefit has grown popular for companies that have micro-mobility needs.

\*These programs are taxable and designed to reimburse for expenses not eligible under a traditional pre-tax commuter program.

### International healthcare



Deliver equitable benefits to support health needs worldwide.

**Account type:** Healthcare

**Eligible expenses:** Annual physicals, preventative care, fertility treatment

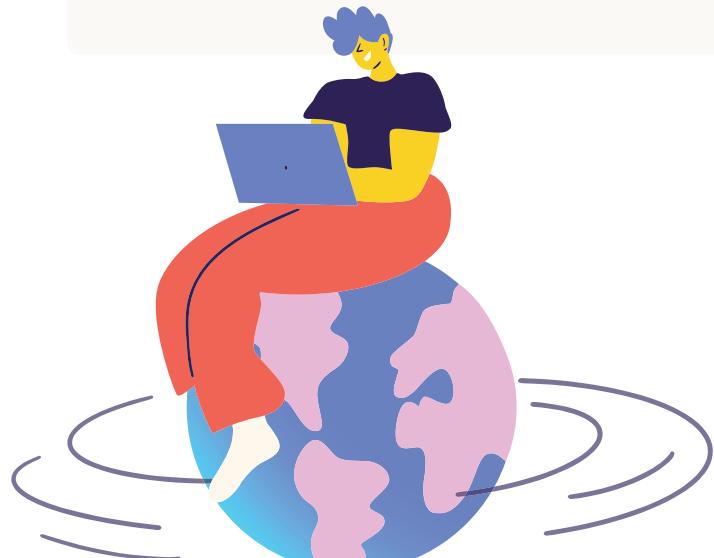
**Pro tip:** Many companies want equity for the global workforce which could include access and coverage to certain healthcare not standardly available under your international health plans. Fill the gaps by country with bespoke LSAs that reimburse for expenses not covered in global medical plans.

LSAs can support the needs of a distributed workforce.

If you're an overseas employee, it may feel unfair to learn about all the wonderful perks people at headquarters are receiving (and you're not). Plus, managing global benefits gets more complex when factoring in local requirements, such as commuter benefits in Japan, bicycles in Belgium, or bags of rice in the Philippines. LSAs with modern TPA tech providers can ensure benefits are equitable and inclusive on a worldwide scale.



Learn about equitable benefits and cost-of-living guidelines.



## Common types of LSAs

### Emergency relief

Be there for employees with emergent needs.

**Account type:** Crisis management, emergency relief

**Eligible expenses:** Hotel, lodging, airfare, train, gas, food, backup generators, additional cell phones or utility costs, pet boarding

**Pro tip:** Support employees when they experience a crisis, such as a fire, hurricane, tornado, floods and war. The program design generally includes reimbursement up to an annual amount with no rollover.

In case of emergency: The agility of modern HRtech

From COVID response to the war in Ukraine, Roe vs. Wade, or the HRC's LGBTQ+ state of emergency, newer generation TPA providers can be game-changing for those experiencing an emergency. No matter the urgency, modern HRtech has the infrastructure in place to create programs and respond quickly.

 Learn how HRtech can deliver results.



### Environmental, social, and governance

Embed ESG goals into the benefits strategy.

**Account type:** Sustainability, EV

**Eligible expenses:** EV charging costs, electric vehicles, electric home technology (e.g., smart thermostats, dual flush toilets, solar panels)

**Pro tip:** Integrate employer's environmental strategies into benefits programs to support activities or lifestyles that promote environmental consciousness.



### Diversity, equity, and inclusion

Give support specific to your DEIBA workforce needs.

**Account type:** DEI, DEIBA

**Eligible expenses:** Overall wellness for both physical and emotional needs, care for family (e.g., childcare, eldercare support), car services, pet insurance, boarding

**Pro tip:** Many companies leverage DEIBA LSAs to address benefits gaps while not marginalizing others. You can support your efforts through a broad lifestyle spending account or set up specific accounts to meet your population's needs. Employers can look at specific programs that support employees' health needs as well like fertility support and gender-affirming care. They can also be used to help fund employee-initiated resource groups so you don't inadvertently alienate anyone.



Align LSAs with company values.

Offering LSAs that demonstrate the company's commitment to the mission can help attract and retain talent by prioritizing the shared vision. For example, lifestyle companies make it a point to reimburse fitness activities or eco-conscious brands provide charging and commuter subsidies.

 Learn how to choose the right spending accounts for your workforce.



# 10 reasons why LSAs are better than market alternatives

The shift to Lifestyle Spending Accounts (LSAs) can have a profound impact organizationally. For those sourcing and administering benefits, it can be difficult to articulate the concept and its advantages to gain broader support. As the benefits are widespread, it can be helpful to focus on the critical needs in order to successfully make the case for LSAs internally.

Here are 10 legitimate reasons why LSAs should be considered by organizations to streamline robust and competitive employee benefits.

## 1 LSAs accommodate personalized needs.

The main value driver of Lifestyle Spending Accounts is that you are giving more choice and agency to the employee. This is a fundamental shift in how most organizations provide employee benefits, perks, and rewards. For example, not every employee is going to value a membership to Gold's Gym, but with an LSA some employees may be able to use those funds to pay for a dietician or to take dance classes that they're passionate about.

There are multiple use cases for LSAs. With the added flexibility LSAs offer, companies can provide inclusive benefits that support individual needs at scale. In doing so, employees get to choose and spend benefit funds on what matters to them.



## 2 LSAs can offset the cost of rising healthcare premiums.

As healthcare benefits costs continue to rise, companies and employees are forced to pay higher premiums. LSAs can be used to incentivize employees to make more prudent enrollment decisions that are mutually beneficial to the employer and employee.

For example, a healthcare provider offers an added LSA allowance for employees who choose to participate in an HMO instead of the more expensive PPO. Similarly, a software company gives employees the option to opt out of a vision benefit in exchange for added LSA funds that can be spent on general health and wellness. When crunching the numbers, companies can save millions of dollars by not having to fund the employee portion of more expensive benefits options.



**3 LSAs are highly valued and appreciated by employees.**

Employees give half of their awake time to their employers. Some see these experiences as just a means to a paycheck, but most employers and employees want more. Flexibility and choice are the keys to making this much more meaningful. In fact, employees will oftentimes treat their monthly LSA stipends much like they would airline miles or a gift card.

The flexibility to choose LSAs demonstrates high value.

When given a choice, a lifestyle benefit delivered

**50%** more value

\$1 invested in a Lifestyle Spending Account has a perceived value of \$1.50.

Forma Research & Aon: The ROI of flexible benefits

**4 LSAs can attract and retain the best employees.**

Many HR leaders may be rightfully desensitized to tech companies and providers who claim to be a silver bullet in attracting and retaining employees. The same can be said about claims to improve employee engagement.

However, LSAs are proven to provide more competitive benefits offerings without increasing budget, to increase employee advocacy, to nudge employees toward their own development, and to give them something they truly find meaningful. As such, LSAs have a positive impact on company culture, attracting talent, and keeping engaged employees.

LSAs can be transformative.

Both employees and HR leaders will appreciate the advantages of LSAs and modern TPA solutions.

**DoubleVerify**

"I have a three-and-a-half-year-old daughter who goes to preschool and I submitted an invoice from the preschool. It was approved in a day or two."

Matthew Jacobs  
Marina Carpova  
Global Director of Payroll

**lululemon**

"Grateful to work for a company that values connection, growth and development of the whole human."

Matthew Jacobs  
Matthew Jacobs  
Regional Manager

**paloalto**  
NETWORKS

"It gives me the opportunity to look at how I can improve or de-stress myself, or what I need to make sure I have a work-life balance."

Matthew Jacobs  
Avisal Manager  
Professional Services Program Manager



Learn about the benefits that LSAs give employers and employees.



**5** LSAs can save money and make every dollar count.

Typically, procuring a new benefit comes with added cost, budget item, or subscription. However, LSAs don't necessarily require a net-new budget. Often, companies leverage existing program funds wasted on subscriptions or services that are poorly utilized. From an ROI perspective, not only are inefficiencies eliminated, the organization saves on administrative costs. Those willing to take a hard look at their existing benefits offerings, costs, and utilization will see that they can actually streamline the investment.

**6** LSAs can maximize the investment.

A key win with the finance team is the concept that funds are 'notional' until an employee claims their benefits. The funding methodology and utilization help organizations optimize the budget and improve cash flow. Compared to traditional subscriptions for all employees or commonly used gift card schemes, this approach is much more effective. LSAs are a great way to grow benefits without a growing budget.

**7** LSAs help reduce stress and improve productivity.

Benefits at the core exist to help employees meet some of their most basic needs and provide them (and their families) with a baseline sense of security. Beyond core medical benefits, programs that lack flexibility and choice may not alleviate stress or offer adequate support for all of your employees. Because LSAs help provide more meaningful benefits, employees are more likely to have their core needs met, stress less, and be more productive.

**8** LSAs + HRtech are agile and adaptable.

A top-down approach simply cannot adapt to changing priorities—especially when you factor in a multi-generational workplace and employees' distinct needs at various life stages. As a business, priorities also change. Organizationally, the company may want to reward a team for achieving a financial milestone or support new team members that need a home office setup. While it seems nearly impossible for an organization to plan for everything and everyone, an LSA paired with a modern TPA tech provider offers the agility to respond to rapid change and priorities.



**9** LSAs + HRtech can increase brand awareness and improve employer loyalty.

Every HR team is seeking tools and tactics to improve employee engagement, increase loyalty, and reduce turnover. It's not often you hear of an employee raving about the benefits experience, let alone how big of an impact on the employee experience HRIS providers, talent management systems, and intranets really had. But when backed by a modern TPA and tech, it's natural for employees to take to LinkedIn, Instagram, and TikTok raving about their employer benefits, their positive experiences, and how grateful they are for the support.

**10** LSAs + HRtech can ease the burdens placed on admins.

The combination of an LSA and modern HRtech providers simplifies administration. In addition to reducing administration time, consolidating vendors, and improving the employee experience, a newer generation of TPA providers can support all the necessary tasks. Plus, modern HRtech includes payroll integrations, claims adjudication, compliance work, vendor management, currency conversions, and more. This way, benefits professionals can focus on more strategic initiatives.

Overall, LSAs and modern HRtech deliver a better experience for all parties involved. With a central hub for benefits, users no longer have to struggle with learning the ins and outs of some 10+ point solutions. Today's software is built with a keener understanding of consumer-grade design principles. As a result of the improved UI, communications are streamlined, software support questions are reduced, and utilization improves.

Deliver ROI with a flexible approach to benefits.

Forma specializes in flexible benefit programs. Our approach has helped companies:

**Save costs**



"We leveraged time. Time is valuable and can be translated into dollars."

[Read the case study](#)

**Improve utilization**



"More than 95% of Stripes spent funds year 1...with Forma fielding more than 4,200 inquiries."

[Read the case study](#)

**Drive efficiency**



"The flexibility is awesome for our employees, but it's also great because the administration is practically zero."

[Read the case study](#)

**Add value**



"Forma is one of the top-performing and utilized vendors we offer to our employees."

[Read the case study](#)



Learn how LSAs have changed the game for companies worldwide.

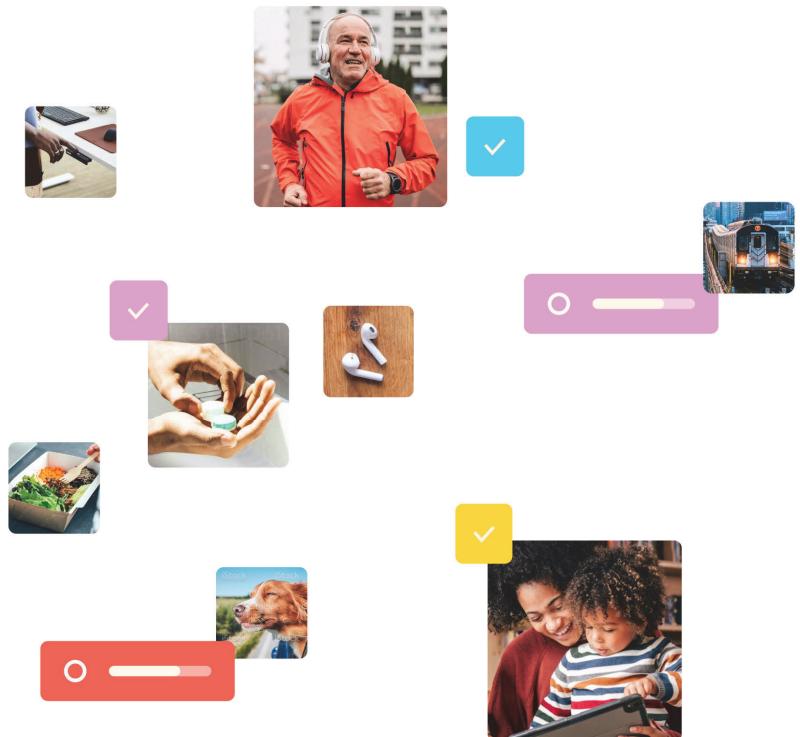


# Unlock the benefits of LSAs

Organizations that want to stay relevant and competitive need to rethink the approach to employee benefits given the evolving workplace dynamics. Shifting resources toward a benefits strategy that prioritizes choice and flexibility is key. Many businesses have begun the transformation to better meet people where they are, including how they work, where they work, and, very importantly, what they need from their employer-sponsored benefits.

It's critical for those newer to the LSA concept to understand the complexities which can be a profound shift for those sourcing, administering, and utilizing the benefit. The flexible LSA construct is one such solution that enables benefit providers to create customizable, inclusive, and global benefits programs that fit every employee with ease. Employees find the mixture of benefits that work on their terms while ensuring the business enjoys an increase in productivity, worker health, and employee retention.

The expansive nature and adaptability of an LSA hold great potential in providing personalized support to meet workers where they are today and where they want to go. The results can be game-changing. Employees choose meaningful benefits. Companies only pay for valued benefits. Benefits professionals have less to manage.



# Customizable spending accounts. Better benefits.

Forma has been redefining employee benefits with customizable spending accounts that let employees choose what's meaningful to them. We manage all types of benefits — from Lifestyle Spending Account programs to HSA, FSA, HRA, Commuter, and COBRA. This way, employees have a simple, unified experience regardless of using a pre-tax HSA or a post-tax wellness allowance.

Working with top brands, we help create flexible benefits programs at scale—all in an easy-to-use platform. Our approach has helped companies worldwide save costs, improve utilization, and spend time focusing moving the needle vs. managing countless vendors.

[Contact us](#) to learn more about what we can do for you.

The platform that does it all for you!

## **+** Three ways to pay

Employees spend funds on their terms with The Forma Store, The Forma Visa Card, and claims reimbursement.

## **+** Dedicated support

We'll handle procurement, administration, compliance, and claim review.

## **+** Award-winning UX

Give everyone a consumer-grade experience they'll love with live support 24/7.

## **+** Truly global

We're live in 100+ countries so you can deliver customizations and processes at scale.

## **+** Enterprise-grade tech

We're SOC 2 certified, GDPR compliant, and adhere to WCAG standards expected of global enterprises.

## **+** A beautiful backend

With fully-managed backend tech, payment, integration, and taxation processes are easy and just work.

